CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA 7575 METROPOLITAN DRIVE, SUITE 103

DIEGO, CA 92108-4402

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Staff:

LRO-SD

Staff Report:

9/18/03

Hearing Date:

10/7-10/03

Tue 23b

AMENDMENT REQUEST STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-86-396-A5

Applicant:

Thomas Lochtefeld

Original: Description: Demolition of roller rink building and annexes to Mission Beach Plunge, reconstruction of indoor swimming pool room, and construction of eight

(8) new buildings, totaling 70,000 sq.ft. of floor area, and other

improvements (described in more detail on pages 3-4 of the staff report).

Proposed

Installation of safety/security fencing around the previously approved wave machines, installation of co-generation utility room and electrical Amendment:

metering room, relocation and upgrade of existing trash and recycling facility, relocation of handicapped parking space, and installation of an ADA-compliant elevator in a new structure at the northeast corner of

Building 6.

Site:

3146 Mission Boulevard, Mission Beach, San Diego, San Diego County.

APN 760-217-0700

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project, subject to special conditions. The proposed development involves a number of upgrades/revisions to the Belmont Park development to address handicapped access, safety, utility and energy upgrades and trash and recycling upgrades. With the proposed special conditions, the proposed improvements are consistent with all applicable Coastal Act policies.

Substantive File Documents: Certified Mission Beach Precise Plan and Planned District Ordinance; Certified City of San Diego LCP Implementing Ordinances; CDP #6-82-543, 6-86-396, 6-86-396-A, 6-86-396-A2 6-86-396-A3; 6-86-396-A4; 6-00-12 and 6-00-12-A.

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-A5 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 the certified Local Coastal Program 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. <u>Final Revised Plans</u>. PRIOR TO ISSUANCE OF THE AMENDMENT TO THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final plans, approved by the City of San Diego for the proposed development. The plans shall be in substantial conformance with the plans dated 8/22/99 by Thomas J. Lochtefeld, except they shall be revised as follows:
 - a. The plans shall indicate that the proposed safety fencing shall be closed no earlier than midnight and shall open no later than 6 a.m. daily and shall incorporate a timed lock for operation.

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 amendment unless the Executive Director determines that no additional amendment is legally required.

2. <u>Prior Conditions of Approval</u>. All other terms and conditions of Coastal Development Permit No. 6-86-396, as amended, not specifically modified herein, shall remain in full force and effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. <u>Site History/Project Description</u>. There have been four past Commission actions for the subject site. The first was CDP #6-82-543 approved on 1/28/83, was for the renovation and construction of an existing park and recreation facility which consisted of creation of a large, open space play lawn area, picnic areas, two large parking lots, restroom facility, landscaping and walkways. This area is immediately south of Belmont Park.

Then, in 1986, the Commission approved CDP #6-86-396, that included an extension renovation of Belmont Park that included: demolition of a roller rink building and annexes to Mission Beach Plunge, reconstruction of indoor swimming pool room, and 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. The improvements further consisted of renovation of existing restroom and lifeguard facilities and 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.

There have been four amendments to CDP #6-86-396 since it was approved in 1986. The first amendment, approved on 6/10/88, amended the permit to allow 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 was approved on 5/9/89 to amend Special Condition #3 of the previously approved permit to eliminate the pedestrian overpass over Mission Boulevard and utilize the equivalent funding for: a right turn lane from northbound Mission Boulevard to eastbound W. Mission Bay Drive; Mission Boulevard median improvements; traffic signal improvement at the Mission Boulevard/W. Mission Bay Drive intersection and new signalization at the entrances to the Bonita Cove and Belmont Park parking lots on Mission Boulevard; and landscaping improvements in the Bonita Cove area. The amendment also allowed continued use of the premises until the alternate traffic improvements were to be constructed.

The third amendment (most related to the subject permit amendment), was approved in 1999 to allow the installation of several water theme features within the existing commercial development/amusement 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 Building #s 5 and 6 and other minor miscellaneous water features on the 6.7 acre beachfront site.

A fourth amendment was approved in June, 2000 for 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 4/28/00-8/31/00 and miscellaneous other temporary improvements.

Presently, the applicant, proposes to amend the previously-approved permit for the subject site by making several minor changes which include the installation of safety/security fencing around each of the previously approved wave machines (four machines on the ground level of Belmont Park), installation of a co-generation utility room and an electrical metering room for purposes of providing support to the existing retail, restaurant, amusements and proposed water features. The existing infrastructure is presently in disrepair and the proposed new facilities consists of more efficient technology resulting in decreased costs of energy. Also proposed is the relocation and upgrade of a trash and recycling structure in the north parking lot to a different location in the same lot, relocation of a handicap parking spaces from the west side of the north parking 35 feet south in the same lot, and installation of a 28 ft. high ADA-compliant handicap elevator at the northeast corner of Building 6.

Belmont Park is an amusement park and commercial/retail center on land owned by the City of San Diego that includes ten buildings consisting of the Plunge Building (indoor municipal swimming pool) and includes amusement rides such as the roller coaster (Giant Dipper) which is a well-noted landmark for visitors 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 and retail shops including 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 boardwalk (Ocean Front Walk), Mission Beach and the ocean. 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. Through the years, the site came into City ownership as four separate parcels; the most pertinent to the subject development is Parcel 1, granted to the City by the State Park System in 1939, after having been deeded to the State in 1934. The proposed development is situated on Parcel 1 (reference Exhibit No. 1).

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 which

fronts on Ventura Place presently contains 258 spaces (8 of which are designated as 3-minute passenger drop-off parking spaces pursuant to CDP #6-00-12-A. 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 (reference Exhibit No. 2).

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. <u>Public Access</u>. 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, or,

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 (commencing with Section 30200).

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."

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. Several minor improvements are proposed but only two elements raise potential access issues. The first is the installation of safety/security fencing around the previously-approved wave machines at the ground level of Belmont Park. The applicant has indicated that the County Health Department requires the safety fencing to assure that people do not accidentally fall into the water-themed features (simulated surfing/wave machines) when the park is closed, similar to the requirement that a pool in the back yard of a residence must be fenced for health and safety reasons. As such, it is necessary for the wave machines to be fenced during the evening hours or when they are not in operation and when Belmont Park is closed.

Belmont Park is a major amusement park/commercial center on public parkland fronting on the public boardwalk and attracts both regular patrons as well as beach-goers. There are also two large parking lots to the immediate north and south of Belmont Park. As such, the public often walks through Belmont Park to get to the boardwalk and/or the beach and from the boardwalk and/or beach to the parking lots. Because the wave machines are located in the open paved walkways of Belmont Park that exist between existing structures, it will be necessary to close off these openings with the proposed safety fencing. Thus, the public will be prevented from passing through these areas once fenced. However, as proposed, the only time the areas will be fenced is when the commercial development within Belmont Park is closed. In addition, even with the safety fencing in place, it does not preclude access to the boardwalk and beach. The public can still walk through Belmont Park in the area where the primary arcades and amusements are located between the existing roller coaster and Building #3 and Building #s 7 and 4 (reference Exhibit No. 3). This walkway provides the most direct route between the north parking lot and the south parking lot through which access to the boardwalk and beach can be gained, as well. However, in order to assure that such fencing does not hinder or preclude the public from passing through Belmont Park either from the inland side of the existing structures or from the seaward side, Special Condition No. 1 requires that the final plans be submitted for the proposed safety fencing and that they incorporate a timed-lock operation such that they are closed only between the hours of midnight to 6 a.m. when the park is usually closed. Although the hours for Belmont

Park vary by season (summer months: 6 a.m. to 12 a.m., winter months: 11 p.m.-12 a.m. to 6 a.m.), the project is being conditioned such that the gates are not closed until midnight and that they be opened by 6 a.m. Mission Beach is a very popular beach in San Diego County and because people often gather on the beach to have bonfires or go grunion hunting, etc., it is important that access through Belmont Park be maintained during the day and evening hours. As such, even though Bemont Park might be closed as early as 11 p.m. at night, there is still the possibility that the public would walk though the park facility to gain access to the boardwalk and/or the beach. Therefore, Special Condition No. 1 requires that the gates be closed at midnight and opened at 6 a.m. so that public access opportunities will be protected during the hours that most people would typically go to the beach.

In addition, the proposed improvements also include the installation of a 28-ft. high ADA compliant handicap elevator at the northeast corner of Building 6 to allow for access to the rooftop restaurant and bar of the previously-approved restaurant use in Building 6. Through incorporation of the elevator, the applicant will re-design the existing stairway that provides pedestrian access to the rooftop of Building 6. Specifically, the stairs will not have any switchbacks or landings as it presently does. The new stairway will be located immediately east of the proposed elevator. In addition, the applicant will relocate one handicap parking space that is presently situated at the southwest corner of the north parking lot, 35 feet further to the south side of the parking lot in order to allow room for the re-designed stairway. This minor relocation of the parking space will not result in any adverse impacts to those needing to use the handicap parking space as it will still be located as close as possible to the existing sidewalk, adjacent buildings and/or beach area. In addition, with the proposed ADA accessible elevator, access to the upper levels of the development will be enhanced for all. The relocation and upgrade of the trash enclosure in the north parking lot will not have any impacts on parking nor result in revisions to existing parking spaces.

All of the above-described improvements, as conditioned, will not alter or impede public access. In fact, the proposed improvements incorporate features that will enhance public access for handicapped individuals through the provision of an elevator to gain access to the upper levels of the development. In addition, through incorporation of a timed-lock operation such that the proposed fencing/gating is closed only during the hours of midnight to 6 a.m., the proposed fencing will not adversely affect public access opportunities in the area. Furthermore, none of the proposed changes will result in a change in intensity of use and as such, no additional parking is necessary. Therefore, the proposed development, as conditioned, can be found consistent with all of the applicable Chapter 3 policies of the Coastal Act addressing public access 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 heart of the Mission Beach community and is 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 most visible of the proposed changes will be the addition of the new handicappedaccessible elevator. The structure will be 28 feet tall but as noted by the applicant, will be installed in an architectural recess in the Building #6. The applicant proposes to install themed lighting, photographic and water features to decorate the elevator façade and which will maintain and enhance the aesthetic quality of Building 6. The external surface of the elevator will be decorated with themed surfing photographs among other features including a thin translucent waterfall cascading from the top of the building. The project will contain an architectural feature where water will surge down the north surface of the elevator and splash against a small pool wall, simulating the ocean hitting a seawall.

As such, the proposed new elevator will be visually compatible in design and scale with the existing uses and other structures in Belmont Park. Although the elevator will be tall (28 ft. high) it will not be taller than the existing rooftop of the Plunge Building which is 30 ft. high. Also, due to the existing roller coaster, which is 75 feet tall, at the southwest corner of Mission Boulevard and West Mission Bay Drive, the proposed elevator structure will not impede any public views of the ocean from this major intersection as the roller coaster impedes views of the ocean. While driving or walking west along Ventura Place past the roller coaster, immediately north of Belmont Park, the proposed elevator will blend in with the backdrop of other buildings to the south and will not be situated in any of the viewsheds of the ocean. Thus, the proposed elevator will not result in any public view blockage toward the ocean or other adverse visual impacts.

With regard to the other proposed improvements which include the installation of safety/security fencing, the proposed fencing will incorporate an open design such as wrought-iron or similar features. However, given that the fencing will be closed only at night (between midnight to 6 a.m.) it does not pose any adverse visual impacts nor does it have any effects on public views to the ocean. With regard to the proposed co-generation utility room and an electrical metering room, the co-generation utility room is proposed to be located in the southeast corner of Building 8. The exterior is proposed to match the existing exterior in design and material. The proposed electrical metering room to support the Primary Show Wave (i.e., previously-approved water feature) and special effects area will overlook the internal north plaza courtyard. This room will be approximately 28 feet high and will be located behind the existing roofline of Building 7. As such, these latter features will not be noticeably visible and will be designed to be visually compatible with the surrounding buildings. In addition, they will not impede any public views of the ocean.

With regard to the relocation and upgrade of the trash and recycling structure, the building is simply being removed and then relocated 20 feet further east in the north parking lot. The relocated facility will be the same size and height as the existing facility. It will also have an upgraded exterior surface to match the facades of the surrounding buildings which will result in enhancing the visual quality of the amusement park. In addition, the new location of the structure does not result in any impacts to public views of the ocean.

In summary, the proposed improvements will be visually compatible with the existing uses in the retail/commercial center and Belmont Park and will, in fact, improve the visual appearance of several buildings within the center/park. The proposed improvements will not pose any adverse impacts to public views. Therefore, the Commission finds project approval, as conditioned, consistent with Section 30251 of the Act and the certified LCP.

4. <u>Local Coastal Planning</u>. 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.

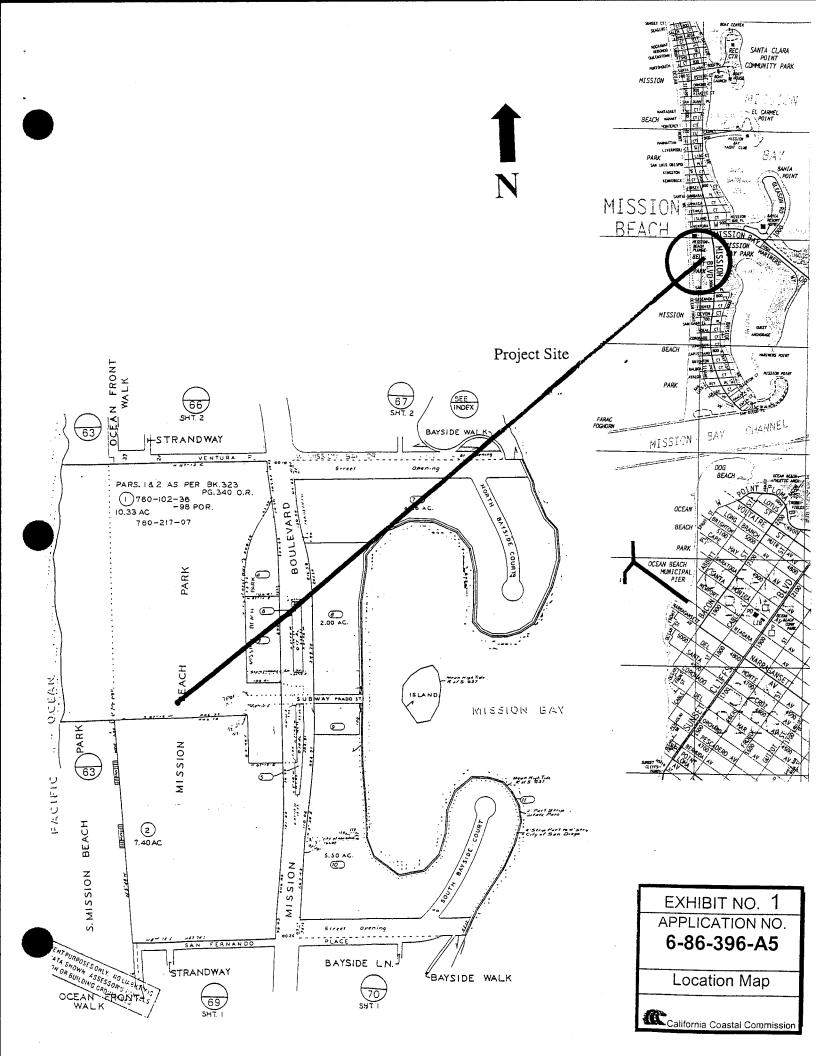
The subject site is located within the Mission Beach segment of the City of San Diego's certified LCP. The subject site is bisected in such a manner that the western half of the site is located within an area of the Commission's original jurisdiction and the eastern half is located within the City of 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.

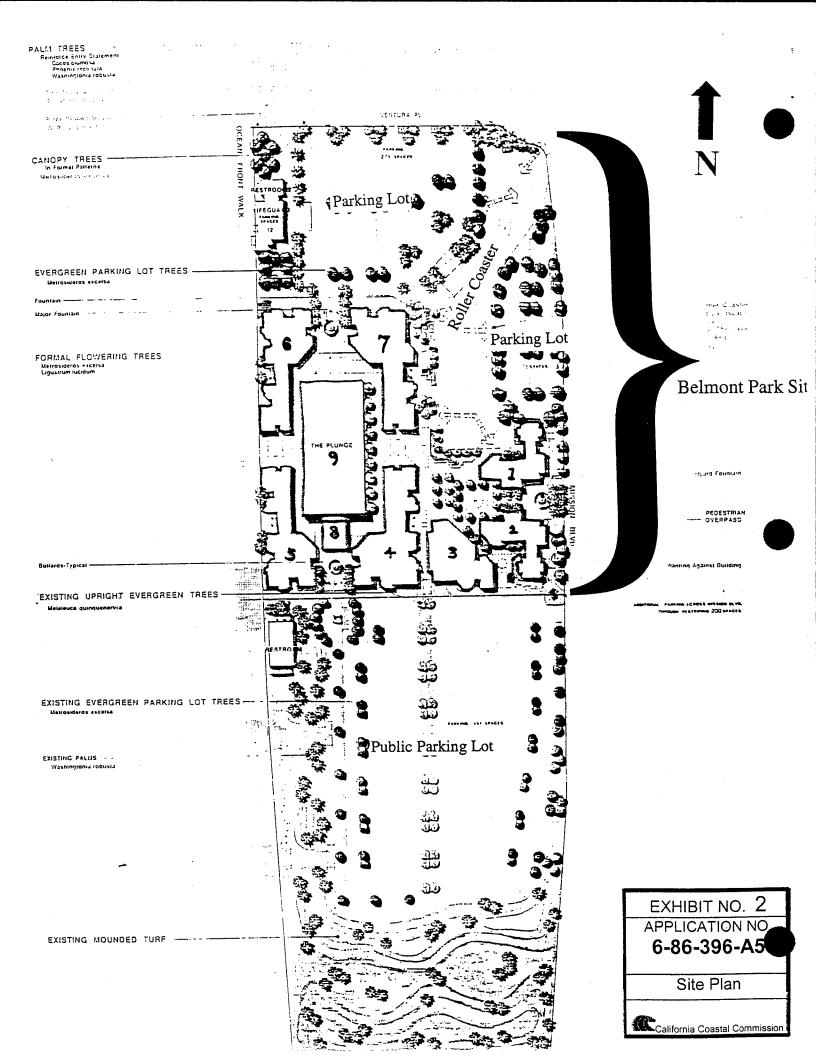
The site is currently zoned "OS" for Open Space and the plan designation is Public Park in the certified Mission Beach Precise Plan and Planned District Ordinance. According to the Mission Beach Land Use Plan (Precise Plan), where the City finds it appropriate, commercial-recreation uses can be found consistent with a park designation. The proposed improvements to the existing amusement park do not raise any conflicts with these designations and can be found consistent with all applicable policies of the Coastal Act. In addition, as an enhancement to existing recreational amenities at Belmont Park, the proposed development is also consistent with the visitor-serving uses in the area, consistent with the policies of the certified LCP and Coastal Act policies. 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.

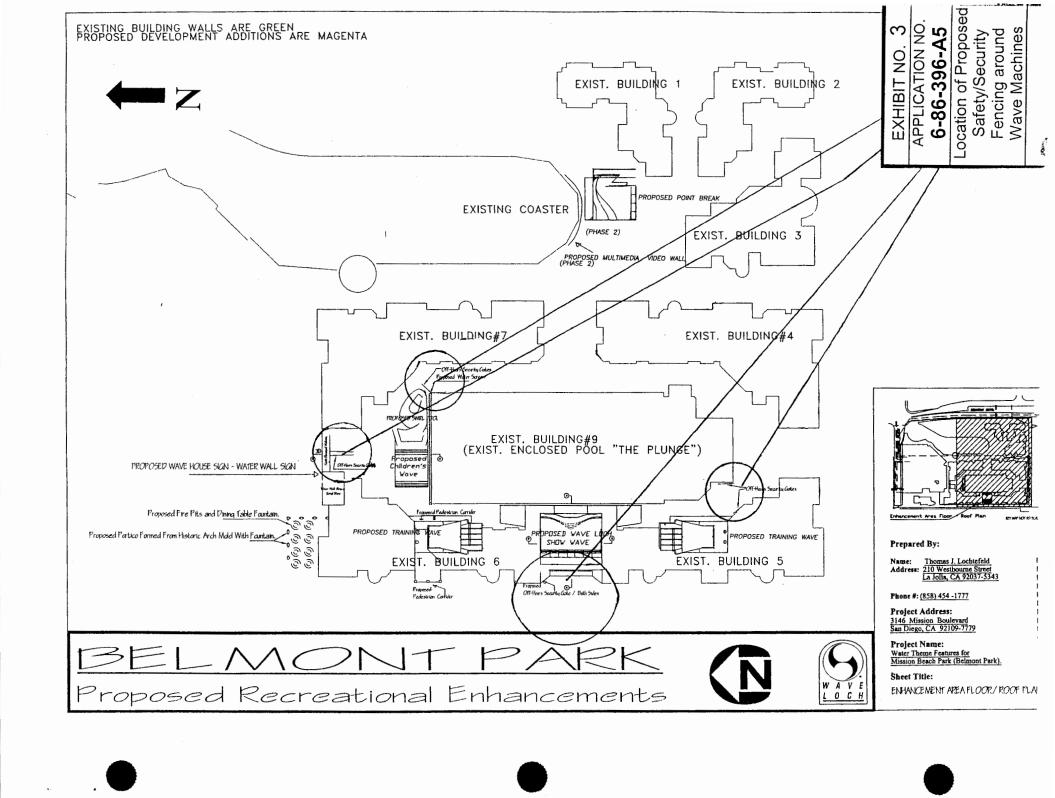
5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of 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.

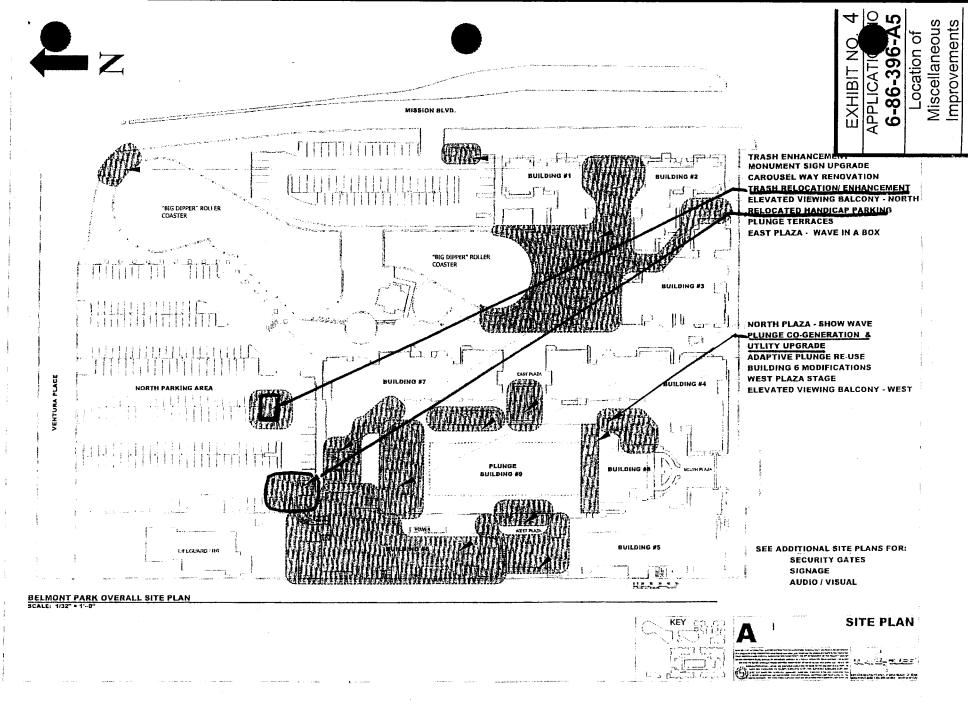
The proposed project has been conditioned in order to be found consistent with the public access and visual resource policies of the Coastal Act. Mitigation measures, including conditions addressing future change in use on the subject site and signage, will minimize all adverse environmental impacts. 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 is consistent with the requirements of the Coastal Act to conform to CEQA.

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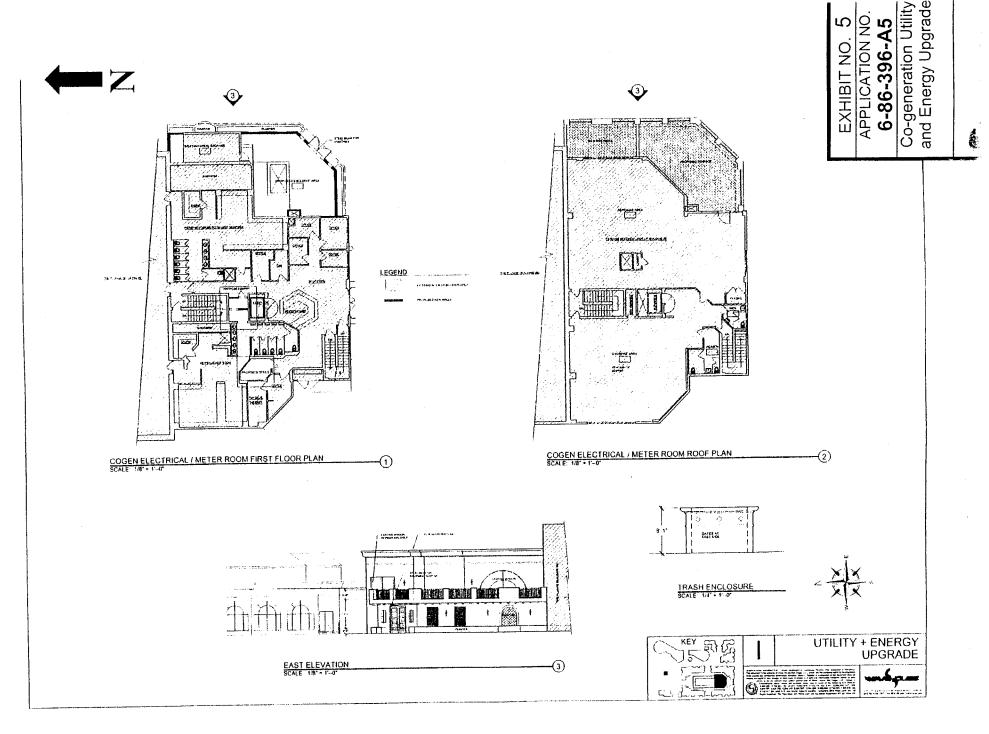




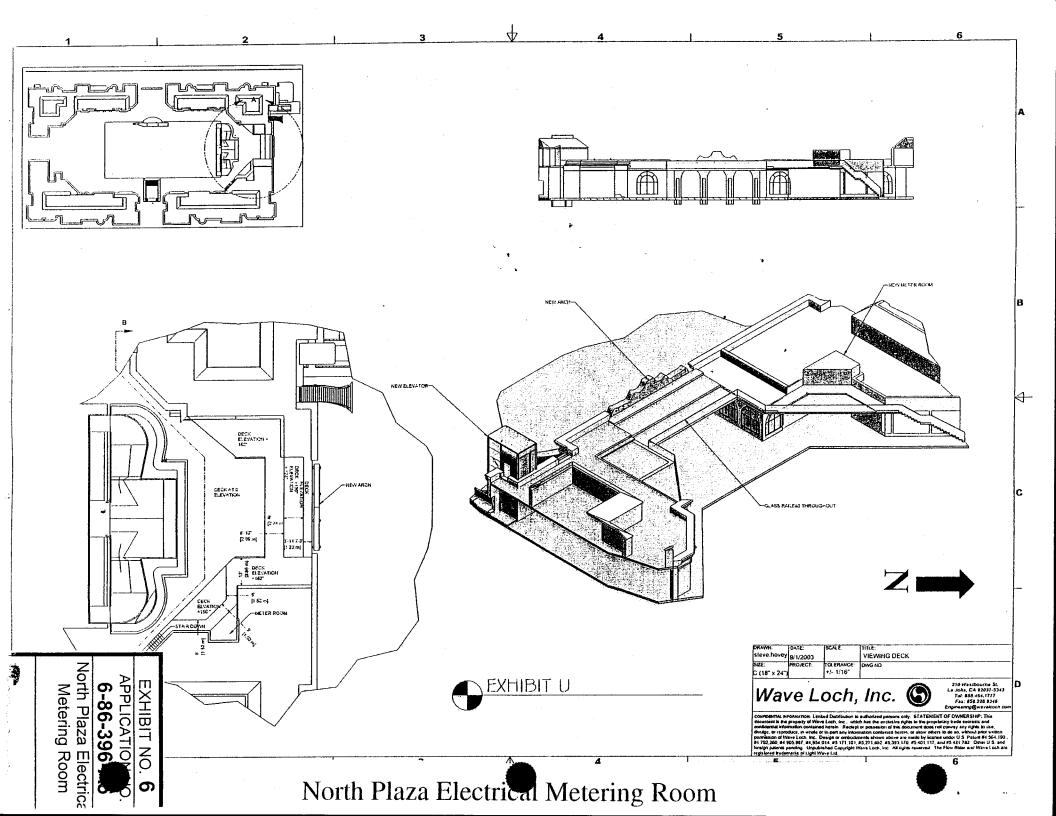




Site Plan of Trash Re-location and relocated Handicap parking



Co-generation Utility and Energy Upgrade



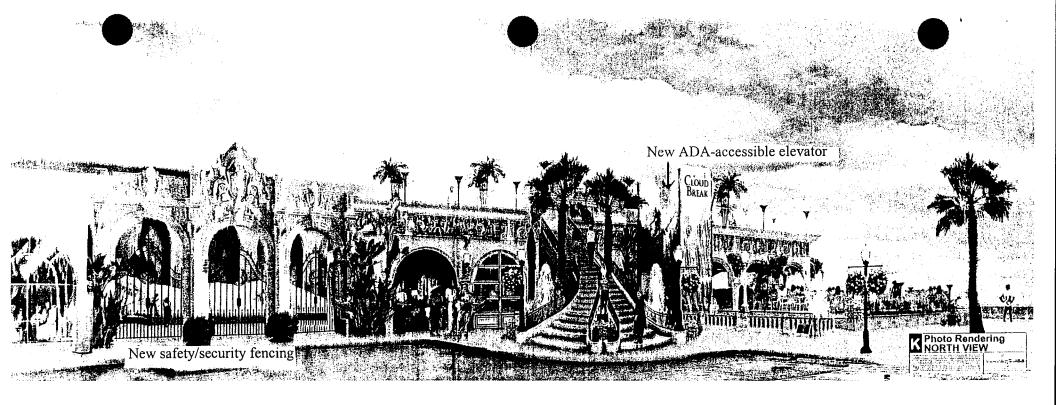
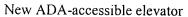
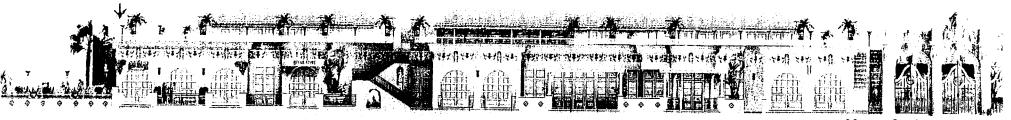


Photo Rendering North View





New safety/security fencing

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Photo Rendering West View