

CALIFORNIA COASTAL COMMISSION

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 Staff: Ellen Lirley-SD
 Staff Report: October 23, 2008
 Hearing Date: November 12-15, 2008

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-07-125

Applicant: La Salle Hotel Properties

Agent: Alicia Calhoon

Description: Removal of an existing, approximately 9,000 sq.ft., temporary event tent structure and three tennis courts, and construction of a single-story, 16,500 sq. ft. conference center within the same area of an existing resort hotel complex. Also proposed is construction of a new swimming pool in a different area of the site. Finally, the applicant is proposing implementation of a Traffic Demand Management Program.

Lot Area	778,423 sq. ft.
Building Coverage	172,495 sq. ft. (22%)
Pavement Coverage	306,149 sq. ft. (39%)
Landscape Coverage	299,779 sq. ft. (39%)
Parking Spaces	410
Zoning	Unzoned
Plan Designation	Commercial Lease Area
Ht abv fin grade	30 feet

Site: 1775 E. Mission Bay Drive, Mission Bay Park, San Diego, San Diego County. APN 760-036-40

Substantive File Documents: Certified Mission Bay Park Master Plan; Standard Urban Stormwater Mitigation Plan (SUSMP) from Tri-Dimensional Engineering, Inc., dated February 25, 2008; Hilton San Diego Resort Conference Center Traffic/Parking Assessment; Traffic Demand Management Program, received October 17, 2008

STAFF NOTES:

This item came before the Commission at the August, 2008 hearing, at which time staff was recommending approval with special conditions. Opponents of the project raised several questions regarding the adequacy of staff's review, primarily in the areas of water quality, parking, and the removal of tennis courts. The Commission requested additional analysis on these items and also questioned if this proposal affected the commercial lands to public lands ratio applied in Mission Bay Park. The applicant agreed to a ninety-day time extension for action, and the Commission continued the matter. Since August, the applicant has submitted revised landscaping plans, a current traffic study, a revised Water Quality Technical Report and a Traffic Demand Management Program; this last is attached to the staff report as Exhibit #3.

Summary of Staff's Preliminary Recommendation: Staff is still recommending approval of the proposed permanent conference center and second pool, with special conditions requiring a final landscaping plan, including only drought tolerant, native, or non-invasive species, final plans identifying the construction schedule, staging areas, etc., and a new condition addressing the specifics of the newly-proposed traffic demand management program, attached to this report as Exhibit #3. The primary issues raised by the development include the adequacy of parking with the proposed addition of larger conference facilities, adequacy of water quality features, and the appropriateness of landscaping materials. Final parking calculations have demonstrated that the resort has adequate parking for its various facilities, including the proposed permanent convention/special events center, based on the specific criteria of the certified Mission Bay Park Master Plan. However, Chapter 3 of the Coastal Act is the legal standard of review for Mission Bay Park, which is an area of deferred certification.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-07-125 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit 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 THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned 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 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Revised Landscaping Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final revised landscaping plans approved by the City of San Diego. The plans shall include new vegetation to adequately screen the new convention center from public areas outside the leasehold, especially the public park amenities immediately north of the resort. To this end, the conceptual plan submitted on January 30th, 2008 by Rossi Architecture shall be revised as follows:

- a. The type, species, size, number, and location of all proposed plants shall be identified on the plans.
- b. The plans shall include a minimum of 45 – 24-inch-box trees to replace the 45 existing trees lost to the project. Effort shall be made to fill in any gaps along the northern leasehold boundary.
- c. All landscaping, including trees, shall be drought-tolerant and native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as ‘noxious weed’ by the State of California or the U.S. Federal Government shall be utilized within the property. Lawn species shall be consistent with other areas of lawn throughout the leasehold.

d. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

e. Items c. and d. above shall be added as notes on the plans.

f. All trees and other landscaping shall be installed within sixty (60) days of completion of construction.

g. A written commitment by the applicant that, five years from the date of the issuance of the coastal development permit for the commercial structure, the applicant will submit for the review and written approval of the Executive Director a landscape monitoring report prepared by a licensed Landscape Architect or qualified Resource Specialist that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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

2. Timing of Construction/Storage and Staging Areas/Access Corridors. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final plans for the review and written approval of the Executive Director, showing the locations, both on- and off- site, which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents and have been approved by the City of San Diego. The plans shall indicate that construction access corridors and staging areas shall be located in a manner that has the least impact on public access to and along the shoreline, and shall include the following items as written notes on the plans:

a. No portion of existing public parking lots or public on-street parking areas shall be used for the interim or overnight storage of construction equipment or materials.

- b. No external construction work shall occur between Memorial Day weekend and Labor Day of any year, or on weekends or holidays throughout the remainder of the year. However, interior construction and landscaping may occur on weekdays between Memorial Day weekend and Labor Day of any year, provided all construction equipment and materials are located inside the fenced construction area within the leasehold.
- c. The staging site(s) shall be removed and/or restored immediately following completion of the development.

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 legally required.

3. Revised Traffic Demand Management Program. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final Traffic Demand Management Program for the review and written approval of the Executive Director. Said plan shall be in substantial conformance with the plan received on October 17, 2008 as an email attachment, but shall be revised to include the following:

1. The program shall be made available to all hotel employees.
2. The program shall operate on a trial basis for two years from the date of Commission action.
 - After two years, the program shall continue in effect for as long as the herein-approved conference facility remains in operation.
 - After two years, the permittee may return to the Coastal Commission with an amendment request to eliminate or modify all, or portions of, the approved program, if it is not accomplishing the goal of reducing the need for on- or off-site parking by hotel employees.
 - Any such request shall include documentation of what is failing and suggestions of alternative features to improve the program, and may require an amendment to the permit.
3. Hotel guests shall be made aware, through in-room information materials and lobby posting, that shuttle service to the trolley station is available twice a day if they wish to avail themselves of this service.

The permittee shall undertake the development in accordance with the approved 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 legally required.

4. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final plans for all project components for the review and written approval of the Executive Director. Said plans shall be approved by the City of San Diego and shall be in substantial conformance with the plans received with the permit application, except where revised through special conditions.

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 legally required.

5. Construction BMP Program. The applicant shall implement all water quality BMPs identified in the Standard Urban Stormwater Mitigation Plan (SUSMP) from Tri-Dimensional Engineering, Inc., dated February 25, 2008 along with the construction and post-construction BMPs identified on the two SUSMP plan sheets submitted on August 29, 2008.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The applicant proposes to remove an existing, unpermitted, approximately 9,000 sq.ft., temporary event tent structure and construct a single-story, 16,500 sq. ft. conference center within the same area of the existing Mission Bay Hilton resort complex. The project also includes removal of 45 existing trees and three tennis courts to accommodate the larger permanent conference facility.

The temporary tent has been on the subject site since 1995, operating under a Tent/Canopy/Membrane Structure Permit from the City of San Diego. No coastal development permit has ever been issued for the temporary structure. The temporary tent has been used primarily for meetings, exhibitions, and banquet events, averaging 63 such events per year over the past three years. It is also reserved as weather back-up for planned outdoor banquet's, and is used for that purpose an average of 21 times a year. Under the City's temporary structure regulations, the tent can only be up for six months out of every year. Thus, besides a larger structure having the ability to host larger events, twice as many events can be held in a permanent, year-round facility.

The applicant is also proposing construction of a second pool for hotel guests. It will be located in the southern portion of the leasehold, nearby two guestroom buildings.

Because this is a new non-attached structure located between the first coastal roadway and the sea, a coastal development permit is required for this feature.

There have been many past proposals for this facility, some approved as permits, some as waivers and some of them exempted. For the most part, the numerous proposals for this facility were for modifications to or expansions of existing facilities or operations at the site. The project opponents cite portions of the staff reports from two of those files as supporting their positions regarding various instances where they feel inadequate review was given this project. Coastal Development Permit #6-81-241 proposed demolition of an existing tennis club building and construction of a new one. It was approved with no special conditions on the Commission's Consent Calendar and is cited to demonstrate that tennis facilities have been on the subject site for a long time. Part of a paragraph in the staff report for Coastal Development Permit #6-85-500 is quoted because it states that inadequacy of on-site parking could result in vehicular overflow into nearby public parking areas. That permit addressed the refurbishment and operation of a vessel, the *Mission Rose*, that once cruised among the various Mission Bay Hotels during evening hours, and could be rented out for special events. It no longer exists.

The certified Mission Bay Park Master Plan describes the ratio of commercial leaseholds in the park with public recreational lands. Commercial facilities cannot occupy more than 25% of the total park area. Overall, the resort occupies approximately 18 acres in the eastern part of Mission Bay Park, with commercial leasehold boundaries being used to determine the 25% limit. Thus, new development or activities within the existing leasehold boundaries do not affect the commercial/parkland ratio, since no increase in the size of the leasehold itself occurs.

The site is located along East Mission Bay Drive (which runs parallel to Interstate 5), north of Tecolote Shores and south of Playa Pacifica. All of Mission Bay Park is an area of deferred certification, where the Coastal Commission retains coastal development permit authority and Chapter 3 of the Coastal Act is the legal standard of review, with the certified Mission Bay Park Master Plan used as guidance.

2. Parking/Public Access. The following Chapter 3 policies of the Coastal Act are most pertinent to the proposed development, and state:

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

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 ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, ...

Section 30604(c)

(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).

Mission Bay Park is a public park built primarily on tidelands granted to the City of San Diego. The site of the proposed permanent convention facilities for the Mission Bay Hilton is located between the first coastal roadway and the sea (in this case the sea is Mission Bay). Public lateral access is available along most of the Mission Bay shoreline, including through the Hilton leasehold. Vertical access is readily available as well, both north and south of the leasehold, as well as directly through the leasehold if pedestrians wish. The specific location of the proposed structure would not affect the public's ability to make their way across the leasehold, through parking areas and along walkways. Thus, the replacement of temporary events facilities with permanent ones does not affect any existing vertical or lateral public accessways.

The greater public access concern with this, or any of the Mission Bay Park commercial leaseholds, is that on-site parking will be inadequate and parking will spill over into nearby public beach parking lots, eliminating parking otherwise available to the general public. The existing resort has a total of 357 guest rooms, 11,304 sq.ft. of combined restaurant uses, a spa and gift shop totaling 9,048 sq.ft. of retail use, as well as the proposed 16,500 sq.ft. convention facility. Based on the parking requirements of the certified Mission Bay Park Master Plan used here as guidance, the parking formula for the resorts in Mission Bay is calculated by totaling the requirements for each individual use (357 parking spaces for 357 hotel rooms, one parking space for every 200 sq.ft. of restaurant, banquet or convention use, and one parking space for every 500 sq.ft. of retail use), then reducing that number by one third to credit cross-use by hotel guests of the other on-site amenities. In this particular case, the hotels various hotel rooms, restaurant and retail uses, spa, and proposed convention facilities would require a total of 513 parking spaces individually. With the one-third reduction, the requirement becomes 342 parking spaces, whereas the hotel actually provides 410 parking spaces.

According to project opponents, although the parking provided meets the specific ratios quoted above, there have been times when there wasn't enough parking available on-site, and employees were directed to park outside the leasehold, using space otherwise available to the general public. Once the proposed convention/special events facility is built, the hotel will be able to host larger events than in the past. Moreover, the hotel has other smaller venues that can be used for banquets, small meetings, and such. To address this concern, the applicant has submitted a parking study, that includes a description of existing conditions, traffic counts taken at appropriate times to capture peak beach use on weekdays and weekends, conclusions and a recommendation to implement a Traffic Demand Management Program. The applicant's parking study identified that if events are held concurrently and at capacity at all potential on-site venues, the hotel would be short on parking by approximately 34 – 44 spaces. An earlier (in the 1980s) traffic study was done to comply with a condition on an old Commission permit. Although it did provide useful information, it was not conducted in strict accordance with the terms of the condition, and did not capture peak numbers. The current study was conducted as requested, at the correct times and days to best assess existing conditions.

To address these concerns relative to the adequacy of on-site parking, the applicant has submitted, and is proposing to implement, a Traffic Demand Management Program, that is attached to this report as Exhibit #3, for a one-year trial period. The program includes a number of incentives to employees encouraging them to carpool or utilize public transportation rather than drive individually to work. Those carpooling will be provided a special location on-site for parking, bicycle racks and showers will be provided, and a shuttle will run round trips from the nearest trolley station to the hotel during morning and evening commuting hours. In addition, monthly transit passes can be purchased at reduced rates, with the reduction ranging from 10% to 25% depending on the number of participants. With an adult transit pass currently costing \$64.00, the savings should range from \$6.40 to \$15.00. Finally, for those days when enough events are planned to jeopardize on-site parking adequacy, the hotel will rent a vacant site nearby for parking and run a shuttle back and forth from it to service event patrons.

Special Condition #3 requires submittal of a final Traffic Demand Management Program that provides a longer trial period (two years instead of one). A one-year trial period may not provide enough time to truly test the concept. It also provides that a program be in operation for the life of the proposed conference center; the proposal makes no mention of continuing the program beyond the proposed one-year trial run. However, the condition will allow modifications to various program components after the two-year trial if it appears some changes will expand use of the program or make it more efficient. These changes could be proposed as an amendment to this permit. The condition further provides that the program be available to all hotel employees, and that the trolley station shuttle be available to guests as well if they wish to avail themselves of it during the times it is in operation. There was no mention in the proposed program of potential guest use, but it would appear that the trolley shuttles operating within relatively predictable time frames could be attractive to guests as well as employees.

As with any development project in Mission Bay Park, the construction phase itself has the potential to significantly disrupt public enjoyment of the area, which includes swimming beaches and a playground for children with disabilities. Therefore, Special Condition #2 restricts major construction activity to outside the summer season, weekends and holidays, when the area is most heavily used by the public. Interior work and landscaping are allowed during summer weekdays. The condition also prohibits the use of public parking areas for staging or storage of materials.

In summary, the Commission finds that the project, as conditioned, will have no adverse impacts on vehicular or pedestrian access to the shoreline in this eastern area of Mission Bay Park. Under the terms of the permit, heavy construction activities cannot occur during the summer time when public use of the surrounding area peaks. Moreover, although the resort provides adequate parking facilities based on the certified Mission Bay Park Master Plan standards, the hotel is proposing a Traffic Demand Management Program to assure that hotel parking does not spill over into nearby public parking lots. Therefore, the Commission finds the proposal, as conditioned, consistent with all of the cited public access policies of the Coastal Act.

3. Public Recreation/Tennis Courts. The following Chapter 3 policies are most applicable to the proposed development, and state, in part:

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Project opponents also raised a concern over the demolition of three existing tennis courts to make space for the proposed convention/special events facilities. They maintain this will reduce public recreational facilities, since members of the public can use the courts as well as hotel guests. The certified Mission Bay Park Master Plan identifies the subject leasehold as the "S.D. Hilton Beach and Tennis Resort." However, that document does not identify tennis courts as a public amenity within Mission Bay Park, and a search of

past permits for this facility indicates the tennis courts were considered as primarily for the use of hotel guests. Although tennis amenities evidently existed on this site prior to the existence of the Coastal Commission, no past permits ever required that they be made available for public use, retained as a site amenity or be maintained as they currently exist. Although members of the public can use the tennis facilities through a membership program, there is no evidence to support that this was ever identified or intended as a public tennis facility. Moreover, two tennis courts will still remain available for hotel guest or public use when this project is completed. The proposed secondary pool will be located away from the main center of activities and will be surrounded with guest room buildings. It raises no issues with respect to Coastal Act policies. Therefore, the Commission finds the proposal consistent, as otherwise conditioned, with the public recreational policies of the Coastal Act.

4. Water Quality/Environmentally Sensitive Areas. The following Chapter 3 policies are most applicable to the proposed development, and state, in part:

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored...

Section 30240 (b)

... (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The proposed replacement of a temporary convention/special event facility with a permanent, somewhat larger one, will not significantly alter the existing drainage patterns on the site. Moreover, much of the area of the property where the temporary tent sits, as well as the tennis courts to be removed, and some parking spaces to be relocated, is already paved, and some currently paved areas will be converted to landscaping, so any increase in impervious surfaces is not substantial. In this regard, the proposed development will have no significant impact on the existing quality of site runoff.

The subject resort is located in the eastern portion of Mission Bay Park, a public aquatic park that includes environmentally sensitive areas. In fact, the resort site is located midway between Cudahy and Tecolote Creeks, being roughly half a mile from each. Both creeks contain some wetland species but are somewhat degraded, and the certified Mission Bay Park Master Plan provides for the enhancement and expansion of wetland habitat in both areas. These future wetlands are intended to serve primarily as filtration facilities to improve water quality, which is poor in the eastern portion of the Bay since little tidal action reaches this area.

Since the proposed convention facility will be oriented on the site differently than the temporary tent, some existing landscaping, including 45 ornamental trees, will be removed. The submitted preliminary landscaping plan only identifies a few of the plant species proposed, and does not list the quantity or size of any container specimens. Moreover, some of the plants identified on the plan do not appear to be drought-tolerant, native or non-invasive. Special Condition #1 requires submittal of a final landscaping plan, including (except for lawn areas consistent with the remainder of the resort) only species that are drought-tolerant. Plant species must also be native or non-invasive. A revised landscaping plan has recently been submitted and may serve to satisfy this special condition. Even at a half-mile distance, the Commission is concerned that seeds from any invasive species used within the Hilton leasehold, could be transported to the Cudahy and Tecolote wetlands, resulting in degradation of those areas.

The applicant has submitted a water quality/BMP program in the form of a three-page narrative description of post-construction BMPs and two plan sheets identifying both construction and post-construction BMPs, identifying all methods to be used to prevent runoff from leaving the site or treating it before it does. Construction BMPs include spreading mulch or straw on flat portions of the site, providing a stabilized construction entrance to the project area, and providing for management of solid, sanitary and hazardous wastes. Permanent BMPs include both curb cut and curb cut outfall infiltration systems, cobble swales, directing roof runoff into vegetated swales and sloping pavement toward vegetated swales. In addition there is an existing Mission Bay Park stormwater diversion system installed around the entire bay to divert low flow site drainage into the City's sewer treatment system.

Project opponents objected to the originally-proposed water quality measures, indicating they were inconsistent with Regional Board standards, which had recently changed. Since the Commission continued this item, the applicant has revised the program to the new Regional Board standards. Special Condition #5 requires the applicant to implement the proposed water quality BMPs and measures consistent with the program and plans submitted with this application.

In summary, the Commission finds that the proposed development will not result in any significant change to the quality or quantity of site runoff, since the majority of the overall site is already paved. The submitted revised construction BMP program is adequate to retain and filter likely construction runoff. With implementation of the revised landscaping program required in Special Condition #1, the Commission finds that nearby natural areas will be adequately protected, since no invasive species will be allowed on-site. Therefore, the Commission finds that the project, as conditioned, is consistent with the cited Chapter 3 policies of the Coastal act.

5. Visual Impacts. Section 30251 of the Coastal Act addresses visual resources, and 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, and, where feasible, to restore and enhance visual quality in visually degraded areas....

All of Mission Bay Park is a highly scenic public recreational resource, such that protection and enhancement of visual amenities is a critical concern in any proposed development in the park. The eastern side of the park is adjacent to the North Pacific Passage arm of Mission Bay, and affords views to the west of bay waters, Fiesta Island, and other portions of Mission Bay Park in the distance. Adjacent to the east is East Mission Bay Drive, a narrow strip of grassy lawn, then Interstate-5. Additional grassy play areas, as well as tot lots and picnic areas, are located to the north and the south of the leasehold. There is also a paved public pathway located between the hotel and the shoreline of Mission Bay.

The proposed permanent convention/special events structure will replace a temporary tent in roughly the same part of the leasehold. It will be half again as large as the temporary tent, but will not exceed 30 feet in height at its highest point. The facility will not be visible outside the leasehold from the south or west, but may be visible from public areas to the north and east. It will be finished and colored consistent with other structures on the site and will match other newer buildings in height (i.e., less than 30 feet in height). The original, pre-Coastal Act structure is a multi-story tower located front and center on the site. There is currently a row of mature trees along the northern boundary of the site. Most of these are on the adjacent public park area and are outside the scope of the project, but there are some located within the leasehold, too. Many trees within the leasehold (45 total) will be removed to accommodate the new convention center, which is proposed to be aligned differently than the existing temporary tent. However, due to the many existing structures already on the site, no public views to the ocean are currently afforded at this location; thus, none will be impacted with the proposed new structure.

Special Condition #1 requires submittal of a final landscaping plan, which will address visual concerns as well as the habitat issues discussed in the previous finding. The applicant must replace at least the number of trees being removed (a minimum of 45). Moreover, new trees must be located along the northern leasehold boundary in such a manner as to fill in any gaps, in conjunction with the trees on the adjacent public parkland, to minimize the visibility of the new building from that public park area. Through implementing the required plantings, no foreseeable adverse effects on the existing scenic coastal area are anticipated, and the Commission finds the project consistent with Section 30251 of the Act.

6. Unpermitted Development. Unpermitted development occurred on the subject site during the past several years with the placement of a temporary tent structure for conventions and special events for six months of each year. While the applicant had the approval of the City of San Diego for this activity, they did not obtain a coastal

development permit. This application seeks approval for removal of the unpermitted tent and construction of a permanent convention/special events facility at the site. Approval of this application and removal of the temporary tent will resolve the violation.

Although development has taken place prior to submittal of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

7. Local Coastal Planning. Mission Bay Park is primarily unzoned. As a whole, Mission Bay Park is a dedicated public park, and the S.D. Hilton Beach and Tennis Resort is one of many designated commercial leases in the certified Mission Bay Park Master Plan (land use plan/LUP). Making renovations and additions within the existing leasehold is consistent with the certified LUP, providing such changes adhere to the design guidelines in the LUP, which address parking, setbacks, landscaping, etc. Because there is only an LUP for Mission Bay Park, and no implementation plan, this is an area of deferred certification where the Commission retains coastal development permit jurisdiction and Chapter 3 of the Coastal Act is the legal standard of review. As discussed in previous findings, the proposed development has been found consistent with all applicable Chapter 3 policies of the Coastal Act, as conditioned herein. It is also consistent with all requirements of the certified LUP. No other local discretionary actions are required as a result of the improvements proposed herein. Therefore, the Commission finds that approval of the project will not prejudice the ability of the City of San Diego to prepare a fully certifiable LCP for its Mission Bay Park segment.

8. 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 Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing landscaping and public access, 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.

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

6-07-125

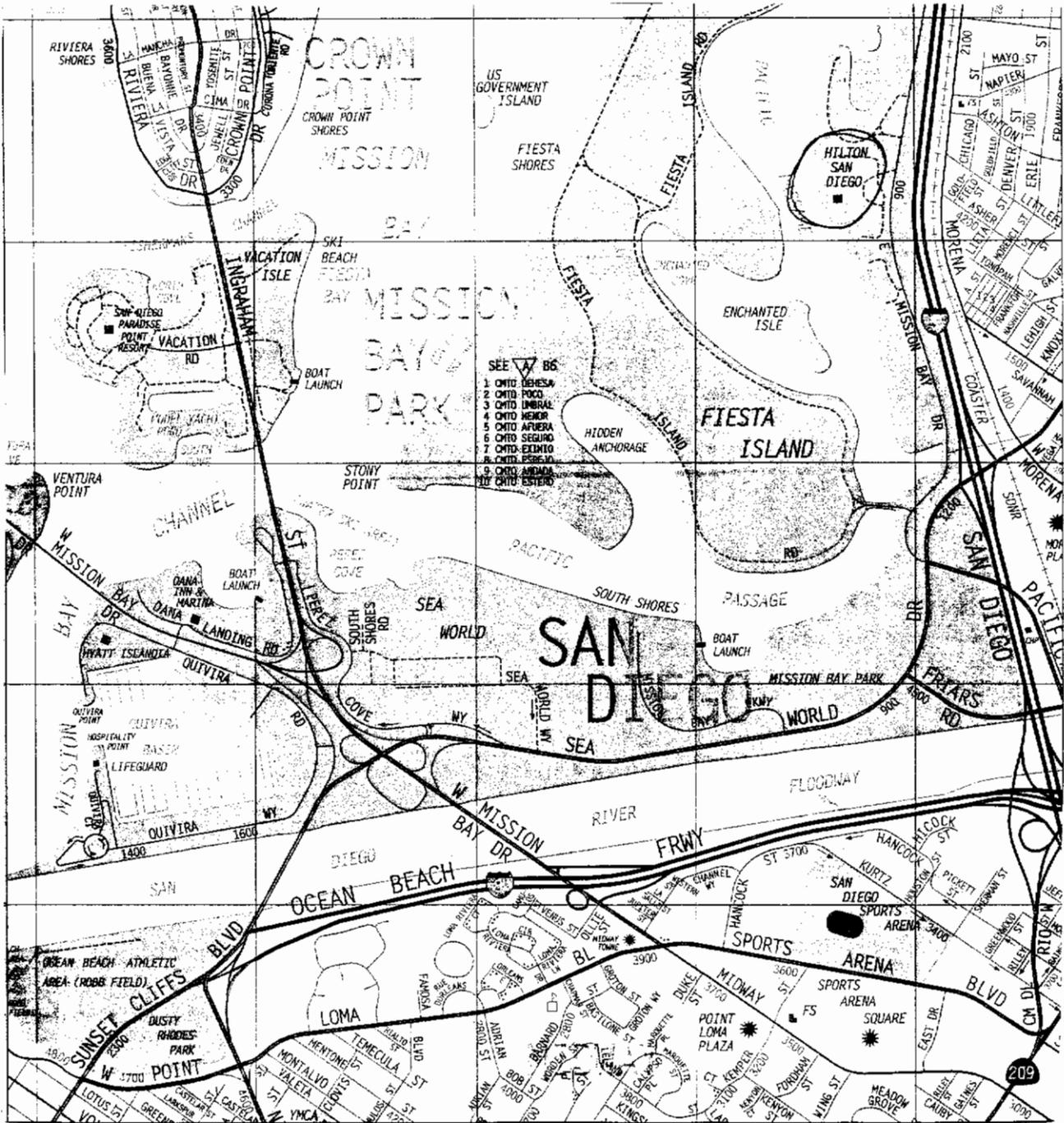
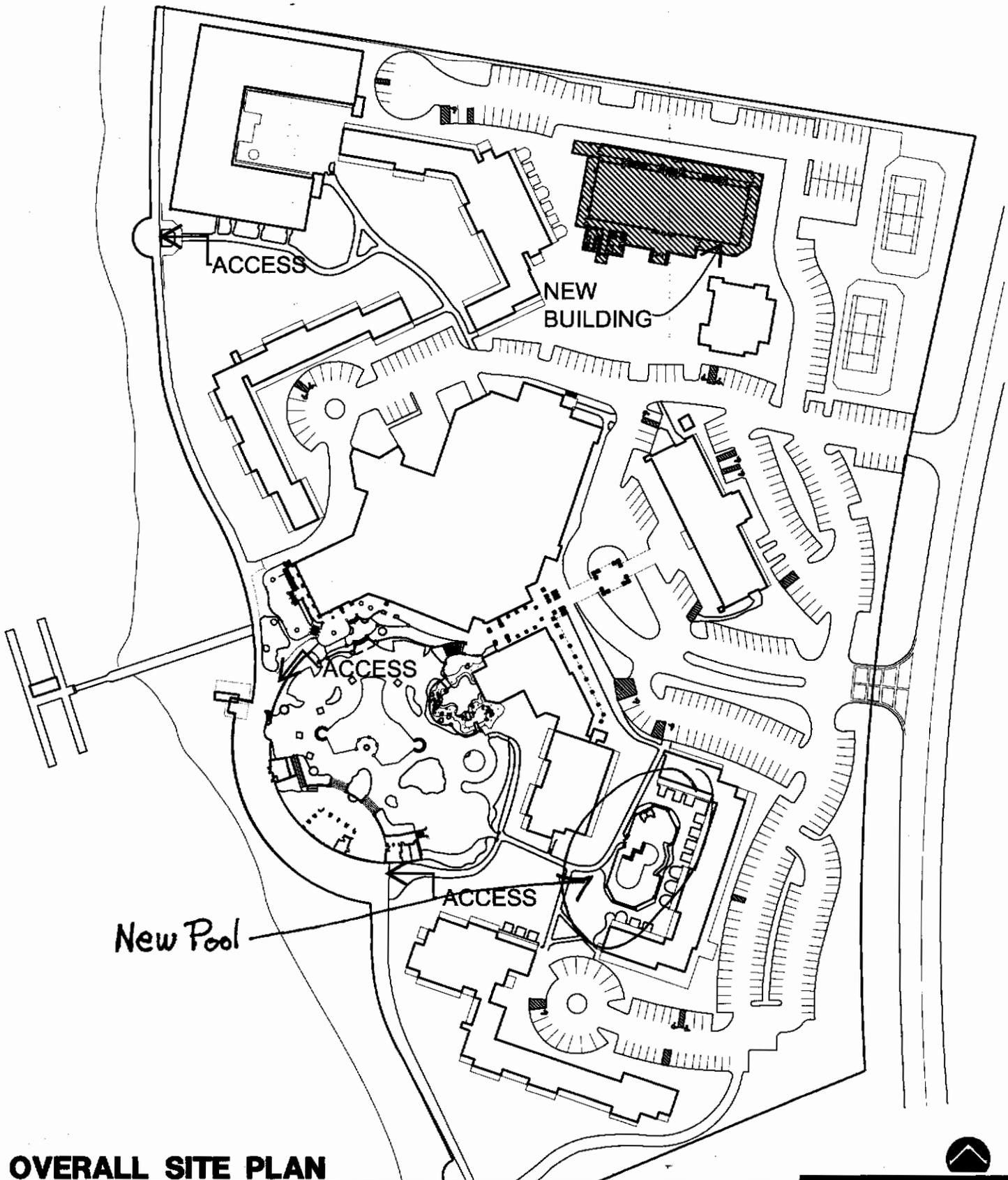


EXHIBIT NO. 1
APPLICATION NO.
6-07-125
Location Map



California Coastal Commission

6-07-125



OVERALL SITE PLAN



rossi
 ARCHITECTURE
INCORPORATED
 2802 JUAN ST., SUITE 22
 SAN DIEGO, CA 92110


Hilton
 San Diego Resort
 1775 E. Mission Bay Dr. San Diego, CA 92109

PUBLIC ACCESS
 NEW CONFERENCE CENTER

EXHIBIT NO. 2
 APPLICATION NO.
6-07-125
 Site Plan

2802 JUAN ST, SUITE 22 SAN DIEGO, CA 92110 TEL: 619.291.8272 FAX: 619.291.8273 ross

 California Coastal Commission

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Traffic Demand Management Program

The purpose of this program is to reduce the amount of single-occupancy automobile trips to and from the resort. The Resort's General Manager is responsible for the overall effectiveness of this program. However, other key individuals have specific responsibility for portions of the program noted below. This program will be utilized as described for a period of 1 year beginning on _____ on a trial basis. At the end of the trial, the program's effectiveness at reducing the amount of traffic in and out of the resort will be measured. The program will be modified or discontinued based on the results.

Incentives for Resort Team Members:

The resort will encourage all Team Member to participate in a Carpool / Vanpool program as outlined below:

- The resort has identified a special parking area for all Team Members who participate in the program. This area is located outside of the convention center to the left of the pavilion. (Identified on attached property map) All interested Team Members will register with the Human Resources department and will be given a special parking permit.
- The resort will provide an Emergency Ride Home for anyone who participates in the program. Any Team Member who is in need of a ride and does not have a vehicle on property will be provided a cab ride home at the cost of the resort. However, this service will only be available to Team Members who live in a 20 mile radius of the resort. A Team Member in need of an Emergency Ride Home simply needs to contact a member of the Resort's security team. The security team will contact a local cab company and arrange the transportation. The Resort's Director of Security will ensure the success of the Emergency Ride Home program.
- The resort has entered into an agreement with Wherever Limousine to provide daily shuttle service in a bio-fuel van between the resort and the Friars Road trolley stop. There will be a shuttle that picks up Team Members at 7:00 am at the trolley stop and brings them to the resort. There will be another shuttle that leaves the resort at 5:30 pm to bring Team Members back to the trolley stop. This will make it convenient and easy for the Team Members to utilize the San Diego Trolley. The cost of the shuttle service will be \$100 per day for up to 3 shuttle runs during each time period. That is, a total of 6 potential shuttle runs, 3 at approximately 7:00 am and 3 at approximately 5:30 pm. This fee will be paid by the hotel.
- The resort will begin utilizing the MTS "ECO Pass Pilot Program". This program will be utilized for 3 months as a pilot program to identify the interest level of the resort's Team Member for utilizing the Metropolitan Transit System for their commute to and from the resort each day. This three month trial program will allow the resort to purchase monthly MTS passes at a discount. This discount will depend on the number of passes needed and could range anywhere from 10% - 25%. If the 3 month pilot program confirms sufficient Team Member interest, the resort will enter into an annual agreement with MTS and provide discount passes on a permanent basis. To ease the purchase of the passes, the resort has set up a payroll deduction plan.

EXHIBIT NO. 3
APPLICATION NO. 6-07-125
Traffic Demand
Management Plan
California Coastal Commission

whereby resort Team Members can choose to have the cost of the passes automatically deducted their paychecks. Assuming all 39 individuals participating in our 3 month pilot program opt for this service, the cost of the monthly passes will be \$63.36 per month.

- The resort will encourage the use of bicycles as a viable mode of transportation by providing bike racks, locker rooms and shower facilities for Team Members. (Identified on attached property map)

Program Implementation:

1. A survey of 307 Team Members (about 80% of the total resort staff) was completed to measure the interest level of our Team Members and 151 individuals have expressed interested in the program (49.16% of the Team Members surveyed). We believe this constitutes sufficient initial interest to implement a successful program.
2. The program will be administered and monitored through the Resort's Human Resources Department. The Director of Human Resources will be responsible for the daily requirements of the program. Team Members will simply sign up for the program in the HR office. The HR office will also have the discounted MTS passes available.
3. The program will become part of the new hire paperwork process for all new Team Members. They will be given a brochure of the program requirements and incentives when they are filling out all of their new hire paperwork. The program will also be reviewed as part of the resort's 8 hour new hire orientation program.
4. To further promote the program to our Team Members, the resort will recognize a "Green" Team Member of the Month. The winner will be randomly selected from all of the Team Members participating in the ride share program and given a \$100 gas gift card.

Plan of action in response to Traffic/Parking Assessment:

On September 12, 2008 a Traffic / Parking assessment was completed by Rick Engineering Company on the potential impact a new conference center would have on the traffic flow and parking in and around the Resort. This assessment identified the potential need for an additional 34 – 44 spaces on the rare occasion that all 3 ballrooms and the conference center operate at near capacity and concurrently. The resort has developed the program outlined below to address the need for additional spaces during these times.

- At the time group business is contracted that would potentially place the Resort in a situation where all 3 ballrooms and the conference center would be operating at near capacity and concurrently, the resort will rent the "Sun Runner Lot" parking area from the City of San Diego.
- This parking area is located at the intersection of E. Mission Bay Drive, Sea World Drive, and Pacific Hwy, approximately ½ mile from the resort. This lot would provide the resort with 265,000 sq ft of additional parking space.
- This lot is available to rent directly from the City of San Diego's Park and Recreations office for \$1,325 per day.
- The Resort would secure access to the parking area and provide parking service to the group. The resort would be the party identified on the permit and would provide parking

services to the group attendees. This would include providing parking attendants and shuttle service between the resort and the parking area.

Utilizing the "Sun Runner Lot" for the occasional additional parking the resort requires will enable the resort to overcome the concerns identified in Rick Engineering's assessment. The ease of use and flexibility of this option will enable the resort to address its need for additional parking in a manner best suited for the specific events and any unique needs that may arise during a particular time period.



Judith A. Swink
2289 Caminito Pasada 106
San Diego CA 92107

July 26, 2008

TO: Chair & members, California Coastal Commission

RE: Application No. 6-07-125 (La Salle Hotel, San Diego)

Commissioners:

I am writing to you as a private individual although I am a member of the Mission Bay Park Committee. Prior to my appointment to the MBPC, I represented Citizens Coordinate for Century 3 during development of the current Mission Bay Park Master Plan and again, in 2001-2002, during Coastal Commission consideration of the Sea World Master Plan, approved by Commissioners in March, 2002, with additional conditions placed on the City of San Diego and incorporated into the MBPCMP along with the Sea World Master Plan.

I am not writing in opposition to the project before you. The Mission Bay Park Committee, the Design Review Committee of the Park & Recreation Board, and the Park & Recreation Board approved the proposal with conditions that are incorporated into your Staff recommendations.

I am writing to you to remind you of the Commission's actions in March 2002, when you directed the City of San Diego to make substantial progress implementing some of the public recreational parkland improvements, with particular mention of Fiesta Island and South Shores, before the Commission would consider substantial commercial leasehold improvements. [Ref: MBPMP Section IV: Land Use/Regional Parkland, p.38].

I have been told that the project before you regarding improvements at the Mission Bay Hilton Hotel [La Salle Hotel, SD] may not be considered a "substantial project" relative to the directive to the City to complete some public recreational parkland improvements. I do not oppose the project but I request that Commissioners consider how approval of this project and consideration of a much more substantial project, about to begin the public review process locally [Paradise Point Hotel, addition of guest cottages] may further delay public recreational parkland improvements and give the impression that, if a jurisdiction simply waits long enough, the Commission will forget what they said 6 years ago.

An additional obstacle to completion of public recreational parkland in Mission Bay Park is a Charter Amendment to be considered for the November ballot by the San Diego City Council on Monday, July 30. If placed on the ballot and approved by

Letters of Comment

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voters, the measure will codify a priority list of projects that places Master Plan capital improvements at the end of the list. The draft measure even includes a major non-Mission Bay Park project, the Mission Beach boardwalk and seawall, ahead of Fiesta Island and South Shore improvements, ensuring that it could be a decade or more before the latter projects become a reality.

This is particularly galling to me because the Fiesta Island GDP has already begun the public hearing process, has been approved by the Mission Bay Park Committee and the Design Review Committee of the Park & Recreation Board, but now seems to be in limbo, largely because of vociferous lobbying by a group called FIDO which objects to any changes on Fiesta Island that would change how they currently utilize the island for off-leash dog activities. The proposed Charter Amendment would certainly meet their desires but would effectively stop any further action on the Fiesta Island GDP, despite numerous changes made in the plan to accommodate FIDO's concerns while retaining features that will enable broader general public use of Fiesta Island.

If you choose to approve the plan for the Mission Bay Hilton Hotel, I strongly urge that you make clear that this does not release the City from its obligation to develop more public recreational parkland in Mission Bay Park, and that you will not consider the Paradise Point redevelopment proposal until the City has approved and begun seeking funds for portions of the Fiesta Island GDP.

Thank you for your consideration of my comments.

Sincerely,

Signature on File



Judith A. Swink
619-224-3275

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FELLOW
RACHAEL E. KOSS

OF COUNSEL
THOMAS R. ADAMS
ANN BROADWELL

August 5, 2008

By Overnight Mail

Chairman Patrick Kruer
and Honorable Commissioners
California Coastal Commission
45 Fremont Street
San Francisco, CA 94105

Re: La Salle Hotel Expansion (Application No. 6-07-125)

Dear Chairman Kruer and Honorable Commissioners:

We are writing on behalf of UNITE HERE Local 30 to provide preliminary comments regarding La Salle Hotel Properties' application for a coastal development permit to remove a temporary event structure and three tennis courts and to construct a new conference center at the Hilton San Diego Resort located at 1775 East Mission Bay Drive in Mission Bay Park, San Diego ("Project" or "Hilton Conference Center"). The proposed Project may impact public access and coastal resources in Mission Bay Park in ways that have not yet been fully disclosed. UNITE HERE Local 30 urges the Commission to continue the public hearing until the Project is adequately described, until the potential inconsistencies with the Coastal Act are fully evaluated, and until the potential environmental impacts are analyzed under the California Environmental Quality Act ("CEQA").

UNITE HERE was formed when the Union of Needletrades, Textiles and Industrial Employees joined one of the nation's oldest unions, the Hotel Employees & Restaurant Employees International. Today, UNITE HERE represents over 440,000 active members and 400,000 retirees throughout North America. UNITE HERE Local 30 ("Local 30") represents more than 4,000 workers in San Diego. Local 30 has represented its members on employment, civil rights, and public health issues before municipal, county, and state bodies for over 50 years. Local 30 members provide professional service in hotels, casinos, foodservice, airport

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concessions, and restaurants in the vicinity of San Diego County and Mission Bay Park. As a result, it will likely be Local 30 members whose public access and enjoyment of coastal resources would be adversely affected by construction and operation of the Project. Local 30's comments are made in its representative capacity on behalf of Local 30 members and their families who currently reside in San Diego and are directly affected by coastal development in Mission Bay.

Furthermore, Local 30 members are concerned about sustainable land use and development in San Diego County. Like the public at large, Local 30 members and their families have a direct and substantial interest in assuring that new coastal development is developed, constructed and operated in a manner that will not result in significant impacts. Local 30 members live, work, and recreate in the communities that suffer the impacts of environmentally detrimental and poorly planned projects. Ill-conceived development, in turn, may jeopardize human health and safety. This is particularly true here because Local 30 members work at the Project site, park on public roads around the Project site, and recreate in the Project area. These union members will breathe more polluted air, suffer the effects from a lack of worksite parking, lose productive time sitting in traffic jams, and lose access to recreational opportunities caused by the Project. Local 30 therefore has a strong interest in enforcing environmental laws such as the Coastal Act and the California Environmental Quality Act to protect its members.

At this time, we oppose CCC staff's recommendation for approval of the coastal development permit for this Project on the grounds that insufficient information has been provided regarding the proposed Project and that the Project is inconsistent with the public access, water quality and coastal recreation policies of Chapter 3 of the Coastal Act. The proposed Project also results in potentially significant impacts under CEQA. We recommend that the CCC continue the hearing on this Project pending further analysis in this regard.

Requested Action: The CCC should continue the public hearing on the proposed development based on (1) an inadequate description of the proposed Project; (2) inconsistency with the policies of Chapter 3 of the Coastal Act; and (3) potentially significant environmental impacts under the California Environmental Quality Act.

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Legal Standards Under the Coastal Act and the California Environmental Quality Act

Mission Bay Park is a public park with designated commercial leases, as set forth in the Mission Bay Park Master Plan. The CCC certified the Mission Bay Park Master Plan, a land use plan, but has not certified an implementation plan. Development within the Park must be consistent with the design guidelines in the certified Master Plan. However, the Project area remains an area of deferred certification where the Coastal Commission retains coastal development permit authority.¹ The policies in Chapter 3 of the Coastal Act constitute the standards by which the permissibility of proposed development in the coastal zone is determined and the Mission Bay Park Master Plan is used as guidance.²

The CCC must also comply with CEQA. The CCC must regulate activities which are found to affect the quality of the environment “so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.”³ The CCC “should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.”⁴

The courts have stated that the environmental impact report (“EIR”) is the primary means of achieving the Legislature’s policy to take all action necessary to protect, rehabilitate, and enhance the quality of the state.⁵ The EIR is “the heart of CEQA” and the “environmental ‘alarm bell’ whose purposes it is to alert the public and its responsible officials to environmental changes.”⁶ “If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees.”⁷

¹ Pub. Res. Code § 30600(c).

² Pub. Res. Code §§ 30200-30255.

³ Pub. Res. Code § 21000(g).

⁴ Pub. Res. Code § 21002.

⁵ *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.

⁶ *Id.*

⁷ *Id.*

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Since the CCC is a certified regulatory agency under CEQA, an EIR is not required. However, CCC approval of coastal development permits must be supported by a finding that the permit is consistent with other applicable requirements of CEQA, including, but not limited to the following:

- Avoiding significant adverse effects on the environment where feasible,
- Disapproving a project if alternatives or feasible mitigation measures are available,
- Evaluating the proposed activity in a manner consistent with the environmental protection purposes of the regulatory program,
- Consulting with public agencies with jurisdiction over the project, and
- Responding in writing to significant environmental points raised in the evaluation process.⁸

The CCC staff report must include a description of the proposed activity, its alternatives, and mitigation measures to minimize any significant adverse impact, "supported by a checklist or other documentation to show the possible effects that the agency examined in reaching its conclusion."⁹

CCC Staff Recommendation

In its staff report, the CCC staff recommends that the Project be found consistent with the policies of Chapter 3 of the Coastal Act. The staff report also recommends that the permit be found to comply with CEQA because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or (2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment. CCC staff recommends that the Commission approve the coastal development permit on the grounds that the proposed Project incorporates a landscaping plan and a plan for timing of construction, storage and staging areas, and access corridors.

⁸ Pub. Res. Code § 21080.5; 14 Cal. Code Reg. §§ 13096, 15250, 15251.

⁹ 14 Cal. Code Reg. 15252(b)(2).

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The CCC Staff Report Contains An Inadequate Project Description

Section 13057 of the Commission's regulations requires an adequate description of the proposed development, project site and vicinity sufficient to determine whether the proposed Project complies with all relevant policies of the Coastal Act.¹⁰ Under CEQA, an accurate, stable and finite project description is the *sine qua non* of an informative and legally adequate environmental review document.¹¹ "If the description is inadequate because it fails to discuss the complete project, the environmental analysis will probably reflect the same mistake."¹² Thus, the Coastal Act and CEQA give the CCC authority to request information that is required to identify and analyze potentially significant adverse impacts on coastal resources.¹³

The CCC staff report contains an inadequate description of the proposed Project and must be revised. According to the report, La Salle Hotel Properties proposes to remove a 9,000 square foot temporary event tent, 45 trees and 3 tennis courts and construct a permanent 16,500 square foot conference center "within the same area" of the resort complex. No coastal development permit was ever issued for the temporary structure.

The CCC staff report lacks any real detail about the existing uses and potential use of the proposed Project. In January 2008, CCC staff requested that the applicant provide information on "past and future uses of this facility."¹⁴ Specifically, staff requested information on "how long the temporary tent has been present and how it has been permitted by the City."¹⁵ Staff also requested data on the intensity of the past and proposed use, which at least includes 1) number of conferences, 2) types of other events, 3) average number of people at events, and 4) parking issues raised by events.¹⁶ Very little of this information was provided.

¹⁰ 14 Cal. Code Reg. § 13057(a).

¹¹ *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192 [139 Cal.Rptr. 396, 401].

¹² Kostka and Zischke, "Practice Under the California Environmental Quality Act," p. 474 (8/99 update).

¹³ Pub. Res. Code § 21160; 14 Cal. Code Reg. § 13053.5(a), (e).

¹⁴ Letter from Ellen Lirley, to Alicia Calhoun, Rossi Architecture, January 22, 2008.

¹⁵ *Id.*

¹⁶ CCC staff requested this data back in January 2008. (See Attachment 1: Letter from Ellen Lirley, to Alicia Calhoun, Rossi Architecture, January 22, 2008.)

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According to the staff report, under a temporary tent structure permit issued by the City of San Diego in 1995, the tent has operated 6 months of the year. La Salle provided the number of events only over the past three years, which averaged 63 events and 21 weather back-up events.¹⁷ This does not explain the use of the tent for 9 years and does not reflect peak use, which is required to analyze potentially significant impacts. Also, the size of the events, including the number of people at the events, is unknown.

The only information about the potential use of the proposed Project in the staff report is "besides a larger structure having the ability to host larger events, twice as many events can be held in a permanent, year-round facility."¹⁸ This project description is clearly insufficient.

The staff report must be revised to include data on the intensity of the past and proposed use, which includes 1) number of conferences, 2) types of other events, 3) the number of other events, 4) average number people at events, 5) peak number of people at events, 6) parking demand for the events, and 7) parking issues raised by events. Since the Project files indicate that the Project involves extending utilities,¹⁹ grading,²⁰ a new pool,²¹ and reconfigured parking, these aspects of the Project should also be clarified and included in the Project description, if proposed.

Because the CCC staff report fails to adequately describe the past and proposed uses of the facility, the Project description is insufficient to support a legally adequate evaluation of the Project's potential inconsistencies with the Coastal Act and impacts under CEQA.

¹⁷ See Attachment 2: Letter from Gregg Fracassa, General Manager, Hilton San Diego Resort to Ellen Lirley, Coastal Planner, California Coastal Commission, February 1, 2008.

¹⁸ Staff Report, p. 5.

¹⁹ La Salle Hotel Properties, Application for Coastal Development Permit, 12/20/07, p. 4.

²⁰ La Salle Hotel Properties, Application for Coastal Development Permit, 12/20/07, p. 3 and Attachment 3: Application Attachment 'A': Letter from Alicia Calhoun, Rossi Architecture, to California Coastal Commission, December 19, 2007; see also Attachment 1: Letter from Ellen Lirley to Alicia Calhoun, Rossi Architecture, January 22, 2008.

²¹ *Id.*

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The Hilton Conference Center Is Inconsistent With The Public Access and Parking Policies of the Coastal Act

The proposed Project is inconsistent with the following public access and parking policies of the Coastal Act:

- Coastal Act § 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.
- Coastal Act §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 or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

According to the CCC staff report, "the greater public access concern with this, or any of the Mission Bay Park commercial leaseholds, is that on-site parking will be inadequate and parking will spill over into nearby public beach parking lots, eliminating parking otherwise available to the general public."²² Also according to the report, the parking requirement for the certified Mission Bay Park Master Plan area is the total of one space for each individual use (i.e. one space for one hotel room or for every 200 square feet of restaurant use) reduced by one third to credit cross-use by hotel guests of the other on-site amenities.²³

²² Staff Report, p. 6.

²³ *Id.* The staff report does not cite the source for this requirement in the Mission Bay Park Master Plan.

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Without any analysis, the staff report concludes that the 357-room hotel, restaurant and bar, retail uses, spa and proposed convention facilities would require 513 spaces individually.²⁴ The report does not set forth any data for this calculation. According to the staff report, “[w]ith the one-third reduction, the requirement becomes 342 parking spaces, whereas the hotel actually provides 410 parking spaces.”²⁵ 410 parking spaces is the exact same number of parking spaces that the resort currently provides without the proposed conference center.²⁶

Parking at the proposed Project site is already spilling over into nearby public beach parking lots and public roads. Attachment 4 to this letter is the “Hilton San Diego Resort Team Member Parking Standard Practice Instructions.”²⁷ According to Hilton’s employee parking policy, the resort requires “Off Street Parking” as follows:

[W]hen the decision has been made to implement off property parking, the Advisory Flag will be placed at the main gate.

Specific Team Member/Employee Parking Locations area as follows:

- The back up valet lot area on the east side of the 400 building. Specifically, on the east side of the median.
- The east lot. Specifically, on the east side of the median, but the west side of the median. [sic] In addition, Team Members are also authorized to park on either side of the North gate.
- On the east side of the tent/pavilion. Specifically, when the tent/pavilion is erected, Team Members/Employees can only park on the east side of the tent/pavilion when the area is not secured. Secured, meaning, when the east side of the tent/pavilion is barricaded per Fire Marshall requirements. When the tent/pavilion, [sic] is down/not

²⁴ *Id.*

²⁵ *Id.*

²⁶ Application for Coastal Development Permit No. 6-07-125, p. 4.

²⁷ Attachment 4: Hilton San Diego Resort Team Member Parking Standard Practice Instructions (February 11, 2005).

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erected, Team Members/Employees are not authorized to park in the area where the tent is normally erected. The only exception is, Team Members/Employees are only authorized to park on the east side of the lot facing the median.

- North parking lot area. Specifically, Team Members/Employees are authorized to park anywhere along the North Fence Line to the old Playground Area.²⁸

Thus, both valet and employee parking at the proposed Project site currently spill over into nearby public beach parking lots and public roads.

In February 2008, the General Manager of the Hilton wrote to CCC staff:

We have not experienced parking issues in the past due to the generous number of parking spaces we have in relation to our 357 guestrooms, and the number of spaces at the resort will remain the same with the new conference center. Once the new conference center is built we anticipate little to no increase in parking demand because hotel occupancy will not increase on a day-by-day basis since we already run high occupancies and the number of people and cars on property is limited by the 357 rooms we have available. Our overall occupancy for the year is, however, expected to increase because we can only have the tent up 180 days per year.²⁹

These statements are not supported by the evidence in the record for five reasons.

First, contrary to the statements of the Hilton General Manager, the resort has experienced parking issues, as evidenced by the "Hilton San Diego Resort Team Member Parking Standard Practice Instructions."³⁰ Second, the General Manager's statement that there are "generous parking spaces...in relation to our 357

²⁸ *Id.*

²⁹ Attachment 2: Letter from Gregg Fracassa, General Manager, Hilton San Diego Resort to Ellen Lirley, Coastal Planner, California Coastal Commission, February 1, 2008, p. 2.

³⁰ See Attachment 4: Hilton San Diego Resort Team Member Parking Standard Practice Instructions (February 11, 2005).

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guestrooms" is not the same as no parking impacts from the resort.³¹ Third, there is no basis for the assumption that only hotel guests will attend future conferences associated with the proposed Project. Fourth, even if hotel occupancy will not increase on a "day-to-day" basis – for which there is no support – overall occupancy for the year is expected to increase, which is nowhere analyzed in the staff report. Fifth, further evidence of major adverse parking issues is set forth in the attached 1985 CCC staff report for development at the proposed Project site.³²

According to the 1985 staff report, the adequacy of on-site parking has been the major issue in all prior permit applications. "[D]ue to the site's location along a major, yet low capacity, coastal access route, if adequate parking is not provided on-site, the resultant traffic circulation and parking impacts off-site could adversely affect public coastal access."³³ The staff report described the Hilton's parking issues and the Commission's requirement for a parking study prior to any future expansion of the facilities as follows:

East Mission Bay Drive is a two-way, two-lane road which, on peak beach user days, routinely backs up with traffic from its intersection with Sea World Drive to the south of the hotel, back to the north past the Hilton. Inadequate parking facilities on-site could force patrons of the Hilton to seek parking along East Mission Bay Drive, thus interrupting traffic flows and infringing on public parking, or within the public parking areas to the south of the hotel, thereby usurping spaces specifically established for public use. This would, in turn, exacerbate the existing public parking and traffic circulation problem in this area of Mission Bay Park....

The following is provided as direction to the applicant regarding Commission review of any future expansion to the approved facilities. While the past parking study did provide some additional insight into the utilization of the hotel's parking, the study did not sufficiently address the

³¹ Attachment 2: Letter from Gregg Fracassa, General Manager, Hilton San Diego Resort to Ellen Lirley, Coastal Planner, California Coastal Commission, February 1, 2008, p. 2.

³² Attachment 5: CCC Staff Report, Application No. 6-85-500, October 29, 1985.

³³ *Id.*, p. 2.

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hotel's peak operating hours as they relate to peak beach use times.....

Before the Commission could find any future expansion of the Hilton facilities in conformance with Chapter 3 policies, a bonafide study of parking usage generated by the proposed facilities and of usage of the public parking areas should thus be undertaken by an independent consultant...

[S]uch a study should be performed prior to proposing any significant future expansions in order to enable the applicant and Commission to determine on-site parking needs.³⁴

The proposed Project is only going to increase the use of on-site and off-site parking and roads by resort guests and employees. Thus, substantial evidence shows that the proposed Project is inconsistent with public access and parking policies set forth in sections 30211 and 30252 of the Coastal Act.

For construction parking, the CCC staff report does not set forth any data and does not analyze construction parking demand and its impacts on parking and surrounding roadways. Instead, the staff report specifically defers the analysis of construction parking impacts, including timing, parking, and public access impacts, by requiring the analysis as a condition of approval.³⁵ The same condition also restricts construction activity to outside the summer season, weekends, and holidays. Thus, without any analysis of construction activities, the staff report merely concludes that proposed mitigation is sufficient to address inconsistencies with the Coastal Act and impacts under CEQA.

In sum, the proposed Project is inconsistent with the public access policies of the Coastal Act.³⁶ The proposed Project fails to maintain and enhance public access to the coast, because it does not provide adequate parking facilities or substitute means of serving the development with public transportation. The lack of parking is also a potentially significant impact under CEQA.

³⁴ *Id.*, pp. 3-4.

³⁵ See Staff Report, pp. 4-6 and Condition #2.

³⁶ Pub. Res. Code § § 30211, 30252.

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The Hilton Conference Center Is Inconsistent With The Water Quality And Biological Resource Policies of the Coastal Act

The proposed Project is inconsistent with the following water quality and biological resource policies of the Coastal Act:

- Coastal Act § 30230: Marine resources shall be maintained, enhanced, and, where feasible, restored.
- Coastal Act § 30231: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.
- Coastal Act § 30240: (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. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

According to the staff report, the proposed Project will not alter the existing drainage on the site because "much of the area where the temporary tent sits, as well as the tennis courts to be removed, is already paved, so any increase in impervious surfaces is minimal."³⁷ Using the same reasoning, the report also concludes that the proposed Project will not result in any significant change to the quality of site runoff. The staff report concludes that the "submitted BMP program is adequate to retain and filter likely construction runoff" and with implementation

³⁷ Staff Report, p. 7.
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of the landscaping program in Special Condition #1, nearby natural areas will be protected. Staff's conclusions are erroneous for several reasons.

First, the Project is not proposed to be built only on the existing temporary tent site. An increase in impervious surfaces will occur due to the removal of unidentified landscaping areas, including 45 trees, and a new structure. This development must be quantified.

Second, without information on the quality of existing site runoff, CCC staff's finding that the proposed Project will not result in any significant change is conclusory.

Third, without any discussion of existing water quality conditions in the impacted area, the finding that the "submitted BMP plan" is adequate to retain and filter likely construction runoff has no support. We consulted former U.S. EPA scientist Matt Hagemann to review the proposed BMP plan as mitigation for the Project.³⁸ According to Matt Hagemann, the conference center will be located approximately 500 feet from Mission Bay which is listed by the State of California as impaired under Section 303(d) of the Clean Water Act for lead and for eutrophic conditions at the mouth of Tecolote Creek.³⁹ Furthermore, the mouth of Tecolote Creek is approximately 3,500 feet south of the coastal area adjacent to the proposed Project.⁴⁰ The 303(d) status of Mission Bay was not mentioned in either the staff report or the "submitted BMP plan."

The finding that the "submitted BMP plan" is adequate to retain and filter likely construction runoff also has no support without any discussion of grading and construction necessary for the proposed Project. According to the Application, the Project may involve extended utilities,⁴¹ grading,⁴² and a new pool,⁴³ in addition to removal of three tennis courts and 45 trees and construction of reconfigured

³⁸ See Attachment 6: Letter from Matt Hagemann to Tanya Gulesserian, Subject: Comments on the La Salle Hotel Project, Mission Bay, San Diego, California, August 2, 2008. Mr. Hagemann's *curriculum vitae* is provided as Attachment 7.

³⁹ Attachment 6, p. 1.

⁴⁰ *Id.*

⁴¹ La Salle Hotel Properties, Application for Coastal Development Permit, 12/20/07, p. 4.

⁴² La Salle Hotel Properties, Application for Coastal Development Permit, 12/20/07, p. 3 and Attachment 3: Application Attachment 'A': Letter from Alicia Calhoon, Rossi Architecture, to California Coastal Commission, December 19, 2007; see also Letter from Ellen Lirley to Alicia Calhoon, Rossi Architecture, January 22, 2008.

⁴³ *Id.*

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parking. The CCC staff report must quantify proposed grading for the Project. Without clarification regarding the proposed Project, CCC staff and the public are unable to perform an adequate evaluation of water quality impacts from construction.

Fourth, the "submitted BMP Plan" is not adequate to retain and filter likely construction runoff. The "submitted BMP Plan" appears to be a three page letter from Tri-Dimensional Engineering, Inc.⁴⁴ The letter describes BMPs post-construction and concludes that "the potential pollution and sediment impacts from the project during and post-construction are typical and mitigable..."⁴⁵ The letter also states that a Water Pollution Control Plan and/or Water Quality Technical Report will be prepared in the future. There are several problems with staff's reliance on this letter.

First, the letter clearly defers analysis of water quality impacts and a plan for water pollution control.

Second, the letter purports to analyze the Project's potential impact on water quality for post-construction activities,⁴⁶ but is being used as a basis for mitigation of construction and post-construction activities.

In addition, the letter does not contain any analysis of even post-construction activities. Instead, it simply lists pollutants of concern and proposes BMPs.

Finally, the proposed BMPs are inadequate. We consulted former U.S. EPA scientist Matt Hagemann on the adequacy of the proposed BMPs as mitigation for the Project.⁴⁷ According to Matt Hagemann, the submitted BMPs are inadequate in addressing heavy metals (including lead) and other pollutants of concern that admittedly may be generated on the proposed Project site.⁴⁸ Also, Matt Hagemann stated that reliance on a vegetated swale – as described with no specific mention of sizing or vegetation type – is insufficient as a treatment BMP. Instead, an integrated approach that commits to use of the County of San Diego's Low Impact

⁴⁴ Attachment 8: Letter from Ernest H. Grabbe Jr., Tri-Dimensional Engineering, Inc., to California Coastal Commission, February 25, 2008.

⁴⁵ *Id.*, p. 3 (emphasis added).

⁴⁶ *Id.*, p. 1.

⁴⁷ See Attachment 6: Letter from Matt Hagemann to Tanya Gulesserian, Subject: Comments on the La Salle Hotel Project, Mission Bay, San Diego, California, August 2, 2008.

⁴⁸ *Id.*

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Development program should be used to identify BMPs that together will ensure the greatest degree of contaminant reduction.⁴⁹ Feasible BMPs not yet considered for the proposed Project include infiltration trenches and basins, vegetated filter strips, sand filters, bioretention systems, curb cuts, and concave landscape areas to promote infiltration.

In sum, because the proposed Project will increase impervious surfaces, remove trees, and increase the intensity of uses on the site, the proposed Project is inconsistent with the water quality policies of the Coastal Act.⁵⁰ The proposed Project fails to maintain water quality in Mission Bay by minimizing adverse effects of waste water discharges and controlling runoff. This water quality impact is also a potentially significant impact under CEQA.

The Hilton Conference Center Is Inconsistent With The Recreation Policies of the Coastal Act

The proposed Project is inconsistent with the following recreation policies of the Coastal Act:

- Coastal Act § 30213: Lower cost visitor serving and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.
- Coastal Act § 30222: The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The CCC staff report fails to address impacts to coastal recreation from the demolition of three tennis courts and from impacts to public access in the area. Currently, the Project site provides a tennis club and five tennis courts that are open to the public through a membership program. The tennis club appears to have existed before the creation of the CCC. In 1981, the San Diego Hilton Hotel applied to the Coastal Commission for a coastal development permit to demolish an existing

⁴⁹ *Id.*

⁵⁰ Pub. Res. Code §§ 30230, 30231, 30240.
2209-008a

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tennis club facility and construct a new 2-story tennis club facility.⁶¹ The 1981 staff report demonstrates that the tennis courts have long been a public recreation amenity in the area. However, the staff report fails to address the existing public use of the tennis courts, or the impacts resulting from the loss of three tennis courts.

In addition, as discussed above, parking problems at the proposed Project site likely impact public beach parking areas and streets, thereby resulting in impacts to coastal recreation. As set forth in a 1985 staff report for development on the proposed Project site, "due to the site's location along a major, yet low capacity, coastal access route, if adequate parking is not provided on-site, the resultant traffic circulation and parking impacts off-site could adversely affect public coastal access."⁶²

Because the proposed Project will remove three tennis courts that are currently available to the public and impact public beach parking areas and streets, the proposed Project is inconsistent with the recreation policies of the Coastal Act.⁶³

The CCC Staff Report Fails To Comply With CEQA

The proposed Project may result in potentially significant impacts on parking, water quality and recreation as described above. These impacts must be mitigated to the maximum extent feasible under CEQA. Also, the staff report contains no analysis of potentially significant air quality impacts from construction and operation of the proposed Project.⁶⁴ The proposed Project involves grading, removal of trees, construction of a building, and increased visitors, parking and traffic to Mission Bay Park. Finally, the staff report does not describe cumulative impacts, including other proposed development in Mission Bay Park. Therefore, the staff report must be revised with additional Project information and analyses of potentially significant impacts. At this time, without an adequate Project description, the analyses are not possible.

⁶¹ See Attachment 9: CCC Staff Report. Application No. 6-81-241, November 25, 1981.

⁶² Attachment 5: CCC Staff Report, Application No. 6-85-500, October 29, 1985, p. 2.

⁶³ Pub. Res. Code §§ 30230, 30231, 30240.

⁶⁴ See Attachment 3: Application Attachment A.
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The CCC Staff Report Contains Errors

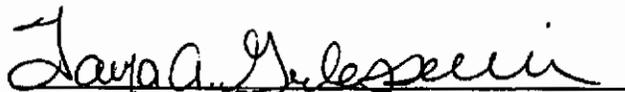
Errors in the CCC staff report should also be corrected during a continuance of the hearing on the proposed Project pending the collection of needed information and analyses. For example, Condition #1 regarding the required landscaping plan erroneously refers to a "residential structure."⁵⁶ The proposed Project does not appear to include a residential structure. In addition, the staff report contains numerous attachments – related to the City of Del Mar – that are not discussed in the report and appear completely irrelevant.

Conclusion

In conclusion, we urge the CCC to object to the staff recommendation as currently drafted due to a lack of information, inconsistencies with the Coastal Act, and potentially significant impacts under CEQA, and to continue the public hearing on the proposed Project pending additional information and analyses.

Thank you for your consideration of these comments.

Sincerely,



Tanya Al Gulesserian
Attorney for UNITE HERE, Local 30

TAG:bh
Attachments

cc: Via email and overnight mail
Ellen Lirley, Coastal Planner
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

⁵⁶ Staff Report, p. 3; Condition 1(g).
2209-003a

ATTACHMENT 1

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



January 22, 2008

Rossi Architecture
Attn: Alicia Calhoun
2802 Juan Street, Suite 22
San Diego, CA 92110

Re: Coastal Development Permit Application #6-07-125

Dear Ms. Calhoun:

Commission staff has reviewed the above cited permit application for removal of an existing temporary tent and three tennis courts, and construction of a single-story 16,500 sq.ft. conference center at 1775 E. Mission Bay Drive (Hilton Hotel), in Mission Bay Park, and determined that additional information is necessary in order to properly review this application and schedule it for public hearing. Please submit the following items and information:

- ✓• Appendix B (part of the permit application form), signed by the City;
- Copy of environmental document, if one was/is required;
- ✓• Project's effect on water quality; any required BMPs;
- Sight lines or computer-generated images identifying visibility of project from public vantages;
- ✓• Landscaping plans for convention center;
- ✓• History of tent -- how permitted, etc.; and
- Data on intensity of use:
 1. how many conferences?
 2. what other events?
 3. average number of people at events?
 4. parking issues raised by events.

To respond to the first two bullets, please submit the signed Appendix B from the permit application. The City should indicate whether any local discretionary actions are required, including any lease modifications, and what type of environmental review the City has required. If local approvals are needed, we cannot begin processing this application before they are approved; in this event, please submit a copy of the final local permit, and potentially amend your application if the local approval changes your proposal. If a CEQA

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Alicia Calhoun
January 22, 2008
Page 2

document is required, please submit either the final document, including comments and responses, or a draft of that document, along with all appendices.

For the third bullet, please indicate any effect the proposed development may have on water quality, and explain how you have addressed it. Compare impervious surfaces and drainage patterns, both as existing and after completion of the proposed project. Please identify any required Best Management Practices (BMPs) for construction and post-construction periods.

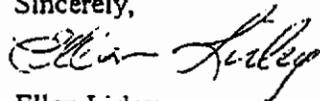
Mission Bay Park is a significant visual and recreational resource for the City. The preservation, protection, and enhancement of public views is a major concern of the Commission. Please provide sightlines or computer-generated images to demonstrate the visibility of the proposed convention center from Tecolote Shores, East Mission Bay Drive, and the following areas of Fiesta Island: the causeway onto the island, the youth aquatic center, and the public camping areas, both the existing youth camping area and the new adult camping sites shown in the draft Fiesta Island Master Plan. If you would rather use story poles for this purpose, please contact me as soon as they are installed, so I can take pictures.

The fifth bullet asks for landscaping plans for all of the proposed improvements. You submitted a plan for the new swimming pool area, but did not submit anything for the convention center. If the structure will be visible from the identified viewpoints, please show how landscaping will be used to break up the building façade and soften public views.

Bullets 6 and 7 request information on past and future uses of this facility. Please identify how long the temporary tent has been present and how it has been permitted by the City. Please identify how many conventions have been held in the tent, what types of, and how many, other events have been held there, the average number of people attending the different types of events, and where people have parked for these events. Provide a comparison between that history and what you expect to happen in the proposed facility, which is more than 50% larger than the temporary tent.

Please do not limit your submittal to the above mentioned items. You may submit any information which you feel may help Commission staff gain a clear understanding of the scope of your project. When all required information is received, reviewed by staff and found to be adequate to analyze the project, your application will be filed and scheduled on the next available Commission agenda. If you have any questions, please call me.

Sincerely,



Ellen Lirley
Coastal Planner

cc: Lee McEachern

ATTACHMENT 2



RECEIVED
FEB 07 2008
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO DISTRICT

February 1, 2008

California Coastal Commission
Attn: Ms. Ellen Lirley, Coastal Planner
San Diego Area
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421
619-767-2370

Re: Coastal Development Permit Application # 6-07-125

Dear Ms. Lirley:

Thank you for your assistance with the above cited permit application. Per your request, below is the information you requested:

History of tent, and how permitted:

The tent was erected in 1995, and is permitted through a "Tent / Canopy / Membrane / Structure Permit."

Data on intensity of use:

- How many conferences?
- What other events?
- Average number of people at events?

The 9,600 square foot non-divisible tent is used to for large meetings, banquet events, exhibits, and also as a weather back-up for banquet functions scheduled outdoors. As you will see from the table below, over the past three years we have held an averaged of 63 meetings, exhibitions, and/or banquet events with an average of 223 people at each event in the tent. Additionally, we have reserved the tent, on average 21 times per year, as a "weather back-up" for groups with banquet functions scheduled outside.

2005		EVENTS
Meetings, exhibitions, and/or banquet events	51, with an average of 237 people per event	
Number of times used as a weather back up for food functions	20	

2006		EVENTS
Meetings, exhibitions, and/or banquet events	72, with an average of 209 people per event	
Number of times used as a weather back up for food functions	22	

2007		EVENTS
Meetings, exhibitions, and/or banquet events	65, with an average of 223 people per event	
Number of times used as a weather back up for food functions	21	

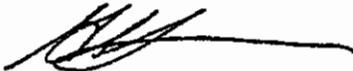
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Parking issues raised by events:

We have not experienced parking issues in the past due to the generous number of parking spaces we have in relation to our 357 guestrooms, and number of parking spaces at the resort will remain the same with the new conference center. Once the new conference center is built we anticipate little to no increase in parking demand because hotel occupancy will not increase on a day-by-day basis since we already run high occupancies and the number of people and cars on property is limited by the 357 rooms we have available. Our overall occupancy for the year is, however, expected to increase because we can only have the tent up 180 days per year. As you can imagine, this puts us at a severe disadvantage to our competitors who have significantly more meeting space.

Ms. Lirley, thank you for your assistance with our application. Please let me know if you need additional information.

Sincerely,



Gregg Fracassa
General Manager

ATTACHMENT 3

rossi
ARCHITECTURE
A CALIFORNIA CORPORATION
2802 JUAN STREET SUITE 22 SAN DIEGO, CALIFORNIA 92110
TEL. 619.291.8272 FAX 619.291.8273
CALIF. #018176 FLIC. #8021695 MA UC. #882849
W. UC. #2724 AZ UC. #37111 NM UC. # 004105 TX UC. #8225 WA UC. #6610

December 19, 2007

ATTACHMENT 'A'

California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

To Whom It May Concern:

There will be minimum grading as required to create a level pad for the new building, ADA access and the new pool.

Sincerely,

(Signature on File u

Alicia Calhoon

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ATTACHMENT 4

**Hilton San Diego Resort
Team Member Parking Standard Practice Instructions**

SUBJECT: Team Member/Employee Parking Policy and Locations
DATE ISSUED: February 11, 2005
Page: 1 of 2
SPI CODE:

REFERENCES:

RESPONSIBILITY:

DISTRIBUTION:

I PURPOSE

The purpose of this policy is to ensure that all guests and their guests as well as all Banquet function attendees have a convenient location to park their vehicles.

II INTENT

The intent of this policy is to provide a reasonable degree of security and safety to all guests, customers and team members.

III LOCATION

The on property location(s) specified for Team Members to park their vehicles are depicted in the attached property map, see the high lighted areas.

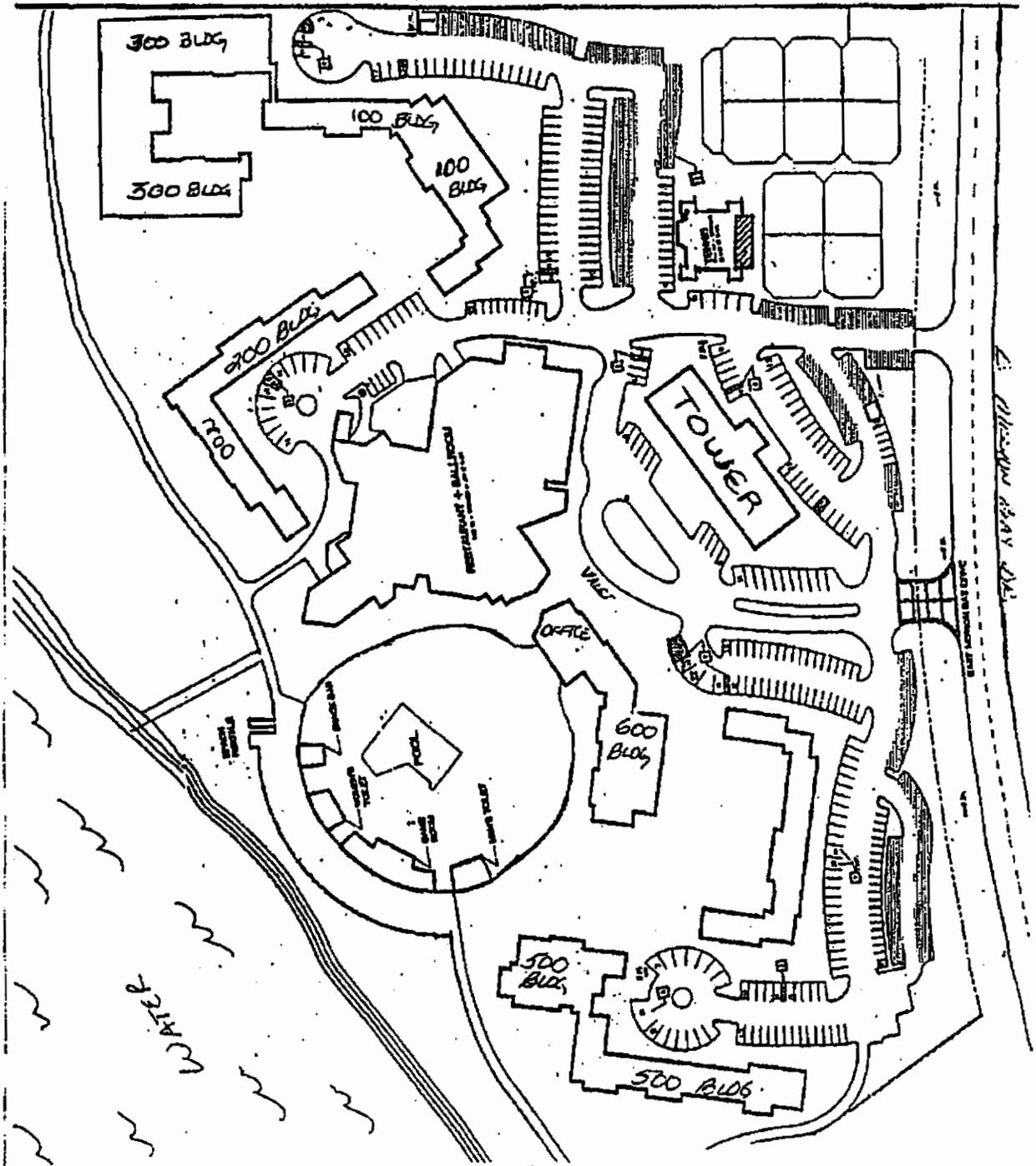
IV OFF PROPERTY PARKING

In regards to off property parking days, advance notice will be provided when possible by using the following methods; Intranet/E-mail, flyers posted on or near time clocks and when picking up property keys. On occasion, there may be instances when advance notice will be limited due to unforeseen reasons. However, when the decision has been made to implement off property parking, the Advisory Flag will be placed at the main gate.

Specific Team Member/Employee Parking Locations are as follows;

- The back up valet lot area on the east side of the 400 building. Specifically, on the east side of the median.
- The east lot. Specifically, on the east side of the median, but the west side of the median. In addition, Team Members are also authorized to park on either side of the North gate.
- On the east side of the tent/pavilion. Specifically, when the tent/pavilion is erected, Team Members/Employees can only park on the east side of the tent/pavilion when the area is not secured. Secured, meaning, when the east side of the tent/pavilion is barricaded per Fire Marshall requirements. When the tent/pavilion, is down/not erected, Team Members/Employees are not authorized to park in the area where the tent is normally erected. The only exception is, Team Members/Employees are only authorized to park on the east side of the lot facing the median.
- North parking lot area. Specifically, Team Members/Employees are authorized to park anywhere along the North Fence Line to the old Playground Area.

Helpful Information: No Team Members/Employees are authorized to park in parking spaces facing guest rooms or in areas that would reduce, limit, hinder guest accessibility or create a heightened level of inconvenience for guests or banquet attendees.



ATTACHMENT 5

CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST DISTRICT
1333 CAMINO DEL RIO SOUTH, SUITE 125
SAN DIEGO, CA 92108-3520
(619) 297-9740

Filed: October 7, 1985
49th Day: November 25, 1985
180th Day: April 6, 1986
Staff: EL
Staff Report: October 28, 1985
Hearing Date: November 19-22, 1985



STAFF REPORT: CONSENT CALENDAR

Application No.: 6-85-500

Applicant: Hilton Hotels U.S.A. Agent: J. Stacey Sullivan

Description: Reconstruction, renovation and operation of the vessel, "Mission Rose" at the existing San Diego Hilton Hotel facility for banquet use.

Parking Spaces 507
Zoning Unzoned
Plan Designation Guest Housing/Boat Slip Facilities

Site: 1775 East Mission Bay Drive, Mission Bay Park, San Diego, San Diego County.

Substantive File Documents: City of San Diego, Mission Bay Segment Land Use Plan
City of San Diego draft implementing ordinances
SDCRC #F9560; CCC #'s 6-81-241, 6-84-100, 6-82-3, 6-84-144, 6-85-100, 6-85-220

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants a permit for the proposed development 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.

COMMISSION ACTION ON NOV. 22 1985

- Approved as Recommended
- Denied as Recommended
- Approved with Changes
- Denied
- Other

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/Project History. The applicant is proposing to renovate an existing vessel (the Mission Rose) for operation as floating banquet space for use by registered hotel guests or private scheduled parties. The vessel is currently docked at the existing hotel facility, but has not been used in the past as banquet area. The total square footage of the boat is approximately 3,000 sq.ft., having two levels of 1,560 sq.ft. each, and the vessel's height will be approximately 17-19 feet above the water line. The Mission Rose is certificated to carry a maximum of 228 passengers and three crew members; the applicant proposes to limit the number of guests to not more than 200 at any one time. No modifications to the existing dock facilities, or changes or additions to any on-shore uses are proposed at this time.

There have been a number of previous permits issued for this site, the most recent of which were for tennis facilities and remodeling of the entry/office/administration areas (6-84-100 and 6-85-100 respectively). The existing facilities at the Hilton consist of 369 guest rooms, approx. 10,000 sf. of restaurant, bar and coffee shop areas, and approx. 12,000 sf. of meeting/banquet space. In addition, there is a pool area and tennis club, a gift shop and nearly 32,000 sf. used for hotel operations (offices, storage areas, restrooms, lobby area, etc.). The adequacy of on-site parking has been the major issue in all prior permit applications, and a parking study was conducted in fulfillment of a special condition of permit F9560, which involved major additions to the hotel. The results of this study are summarized in the following finding.

2. Public Access/Parking. The subject site fronts on Mission Bay (Pacific Passage) across from Fiesta Island. In accordance with Section 30604(c) of the Coastal Act, the Commission must find the proposed development to be in conformance with all public access and recreation policies of the Act. The existing and proposed visitor-serving commercial facilities are a high-priority use under the Coastal Act and, as proposed, the project is found to meet the requirements of Section 30220, 30221 and 30222 of the Act. Furthermore, continuous lateral access along the shore of Mission Bay exists along the entire bayfront boundary of the hotel leasehold. Additionally, open public parklands with facilities and parking areas exist on either side of the leasehold to provide adequate vertical access to the shoreline.

Regarding coastal access, Section 30252 of the Coastal Act requires that "the location and amount of new development should maintain and enhance public access to the coast by ... providing adequate parking facilities or providing substitute means of serving the development with public transportation ...". In this particular case, due to the site's location along a major, yet low capacity, coastal access route, if adequate parking is not provided on-site, the resultant traffic circulation and parking impacts off-site could adversely affect public coastal access.

East Mission Bay Drive is a two-way, two-lane road which, on peak beach-user days, routinely backs up with traffic from its intersection with Sea World Drive to the south of the hotel, back to the north past the Hilton. Inadequate parking facilities on-site could force patrons of the Hilton to seek parking along East Mission Bay Drive, thus interrupting traffic flows and infringing on public parking, or within public parking areas to the south of the hotel, thereby usurping spaces specifically established for public use. This would, in turn, exacerbate the existing public parking and traffic circulation problem in this area of Mission Bay Park.

Therefore, in past permit activity on this site, (F9560) the Commission required the applicant to monitor the on-site parking situation over a two-year period in hopes of determining whether sufficient parking is available to serve the hotel's needs and not impact public coastal access. The resultant study, while not performed in a manner totally in conformance with what was agreed to by the applicant, did enable staff to reach some conclusions regarding the adequacy of parking on-site. The data that was submitted indicates that over the period when parking counts were taken, there were some instances when the total 401 spaces then existing on-site were utilized, although this was not the case the majority of the time. This fact derived from the data, however, suggests that it is reasonable for the applicant to provide at least enough additional parking to serve the increased intensity of use proposed with this application. However, the Commission is not prepared at this point to accept or support any proposition that fully adequate, on-site parking is currently provided at the leasehold.

This again raises the question of what amount of parking is adequate to serve the needs of the hotel so as not to impact public coastal access. The Commission recognizes it is difficult to assess the total parking requirement for a facility such as the Hilton given the substantial number of visitors or hotel guests who may use alternate means of transportation, such as chartered buses, train/airport shuttle service, taxi or means other than private automobile. Also, it's difficult to determine the amount of guest vs. public utilization of the banquet/meeting facilities and restaurant/cocktail areas.

The Commission has attempted to determine guidelines for parking based on the Regional Commission's Interpretive Guidelines, the Mission Bay Park Design Principles and the Coastal Access Component adopted by the City for Mission Bay, Mission Beach, and Pacific Beach. These guidelines have been used in the past to aid in determining the parking requirement for the new Ramada Inn (6-82-3) proposed within Mission Bay Park. Since that review, the parking standard of one space per every 200 sq.ft. of gross floor area for restaurant uses has been adopted for most segments of the City of San Diego's LCP. This is the standard applied to this new application, as well as to the recent application for the Bahia Belle II (6-85-220).

The following is provided as direction to the applicant regarding Commission review of any future expansion to the approved facilities. While the past parking study did provide some additional insight into the utilization of the hotel's parking, the study did not sufficiently address the hotel's peak

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operating hours as they relate to peak beach use times. The parking agreement specified that particular attention be given to prime check-in times, such as Fridays from 4:00 to 6:00 p.m. and when the hotel's facilities are at peak use. The times the counts were taken were not indicated on the study so it is difficult to draw any realistic conclusions on parking demand from the study performed thus far.

Before the Commission could find any future expansion of the Hilton facilities in conformance with Chapter 3 policies, a bonafide study of parking usage generated by the proposed facilities and of usage of the public parking areas should thus be undertaken by an independent consultant. The study should be undertaken during the summer months (June-Sept.) when beach usage is at its peak. Counts should be performed at least twice a week during various times through the day (10:00 a.m.-3:00 p.m.) and early evening (4:00-6:00 p.m.) on weekdays and weekends.

Emphasis should be placed on taking counts on those days and times when the peak use of the hotel's facilities, i.e., conventions, coincide with peak beach user days, i.e., summer weekends/holidays. The hotel usage at the time the count is taken should be recorded. Since the applicant's ability to provide additional spaces on-site is limited and strict application of the above-mentioned guidelines to the entire site indicates a present 40+ space deficiency in on-site parking, such a study should be performed prior to proposing any significant future expansions in order to enable the applicant and Commission to determine on-site parking needs.

In this particular application, approximately 3,000 sq.ft. of currently unused space are proposed for conversion to use as banquet area. This amount of square footage would require 15 new parking spaces under the above-stated guidelines and the approved parking standards for restaurants within the City of San Diego. The applicant will be adding those 15 new spaces. Therefore, the Commission can find the project consistent with the City's draft implementing ordinance policies for restaurant/banquet uses, and with past Commission actions in this area.

3. Visual Impact. Section 30251 of the Coastal Act protects public "views to and along the ocean and scenic coastal areas." Although the Mission Rose is within the normal viewing area of Mission Bay, as seen from the public walkway along the shore, the vessel is already in existence and there will be no increase in view blockage. Furthermore, the renovation of the boat should enhance the visual qualities of the structure itself. Therefore, the Commission finds the project consistent with Section 30251 of the Act.

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.

The subject site lies within the Mission Bay Park Master Plan area. The draft 1978 Plan for Land and Water Use designates the hotel site as "guest housing"

and "boat slip facilities." The proposed use is consistent with this land use designation. Additionally, as stated above, the provision of parking for the additional banquet space proposed is reasonably consistent with the Coastal Access Component which covers the Mission Bay Park segment of the LCP and will represent the separate public access component required for LCP certification.

In the City's draft LCP implementing ordinances, the off-street parking ordinance (in addition to the actual parking ratios stated previously) requires that whenever an existing use does not provide all the off-street parking required and the use is enlarged, a minimum of twice the number of parking spaces as would be necessitated by such enlargement should be provided, not to exceed the total parking required for the development. In the case of this particular application, this standard has not been applied for the following reasons. First, permit action just half a year ago decreased the potential parking deficiency. Secondly, as stated above, it is difficult to determine exactly what the parking requirements should be for a major hotel complex, due to alternate modes of transportation, guest vs. public utilization of the facilities and the multiple use of the on-site facilities. Lastly, the amount of the expansion is minor when compared to the overall facility and its full parking complement will be provided. Therefore, the Commission finds the current project consistent with all applicable parking and access policies without further studies; future projects, especially any involving major expansions of existing uses, or new uses, should provide the complete and detailed parking study outlined previously.

At this time, the Commission finds the proposed parking to meet the requirements of Chapter 3 policies. As cited above, it is however technically inconsistent with the proposed provisions to improve parking availability on sites with deficient parking facilities. However, in these instances, the Chapter 3 policies are controlling and precedential. There does remain the possibility that amendments could be accepted to accommodate the present case. The proposed use is an expansion of a high priority, visitor-serving use under the Coastal Act and adequate parking has been provided for the new development. Therefore, the Commission finds that approval of the project should not prejudice the City of San Diego's ability to prepare an LCP in conformance with the policies of Chapter 3 of the Coastal Act.

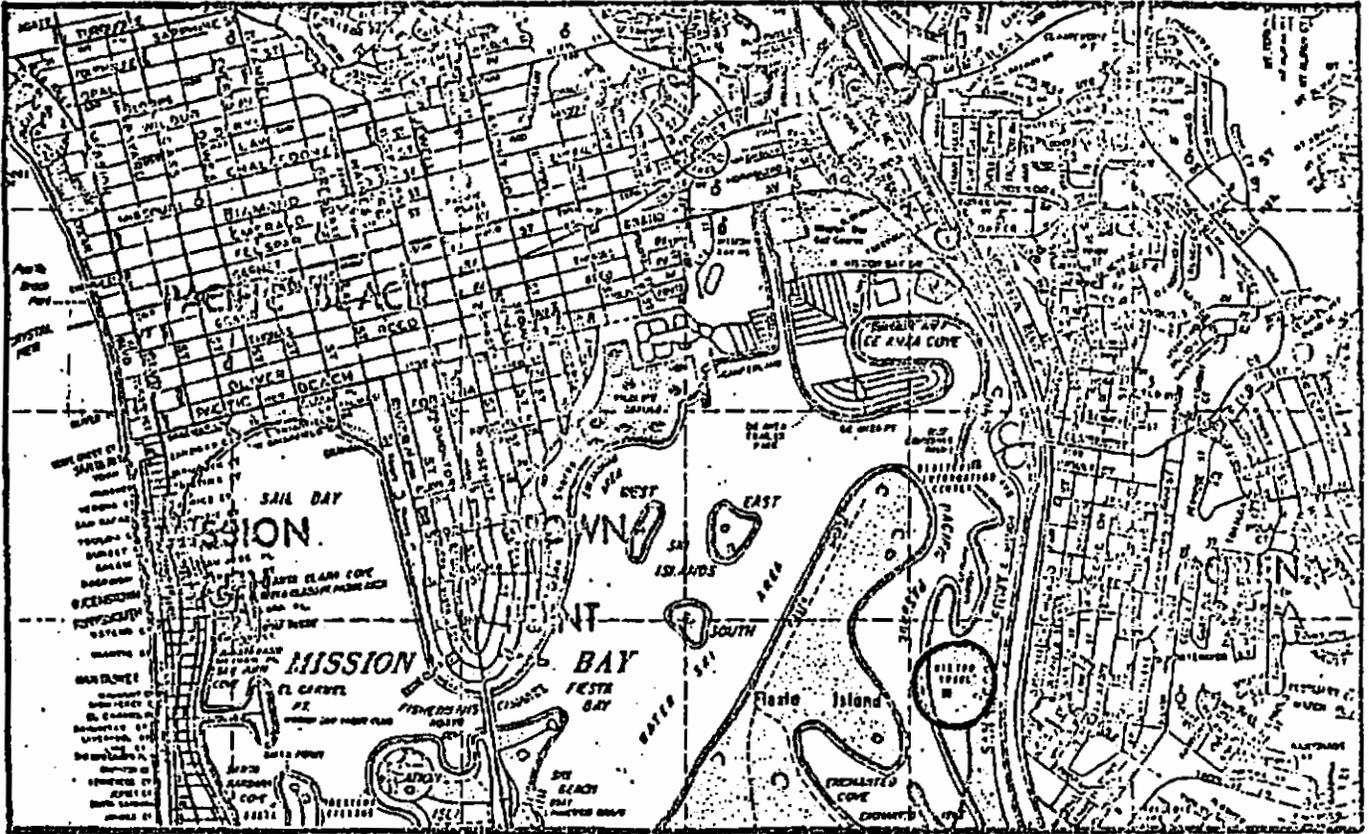
STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgement.** 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.

Doc. 5500R

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PROJECT SITE
LOCATION

LOCATION MAP

SAN DIEGO HILTON HOTEL



EXHIBIT NO. 1
APPLICATION NO. 6-85-500
Vicinity Map
 California Coastal Commission

That portion of hotel site nearest affected area:

Mission Bay

Approximate location of Dock & Mission Rose

Public Walkway

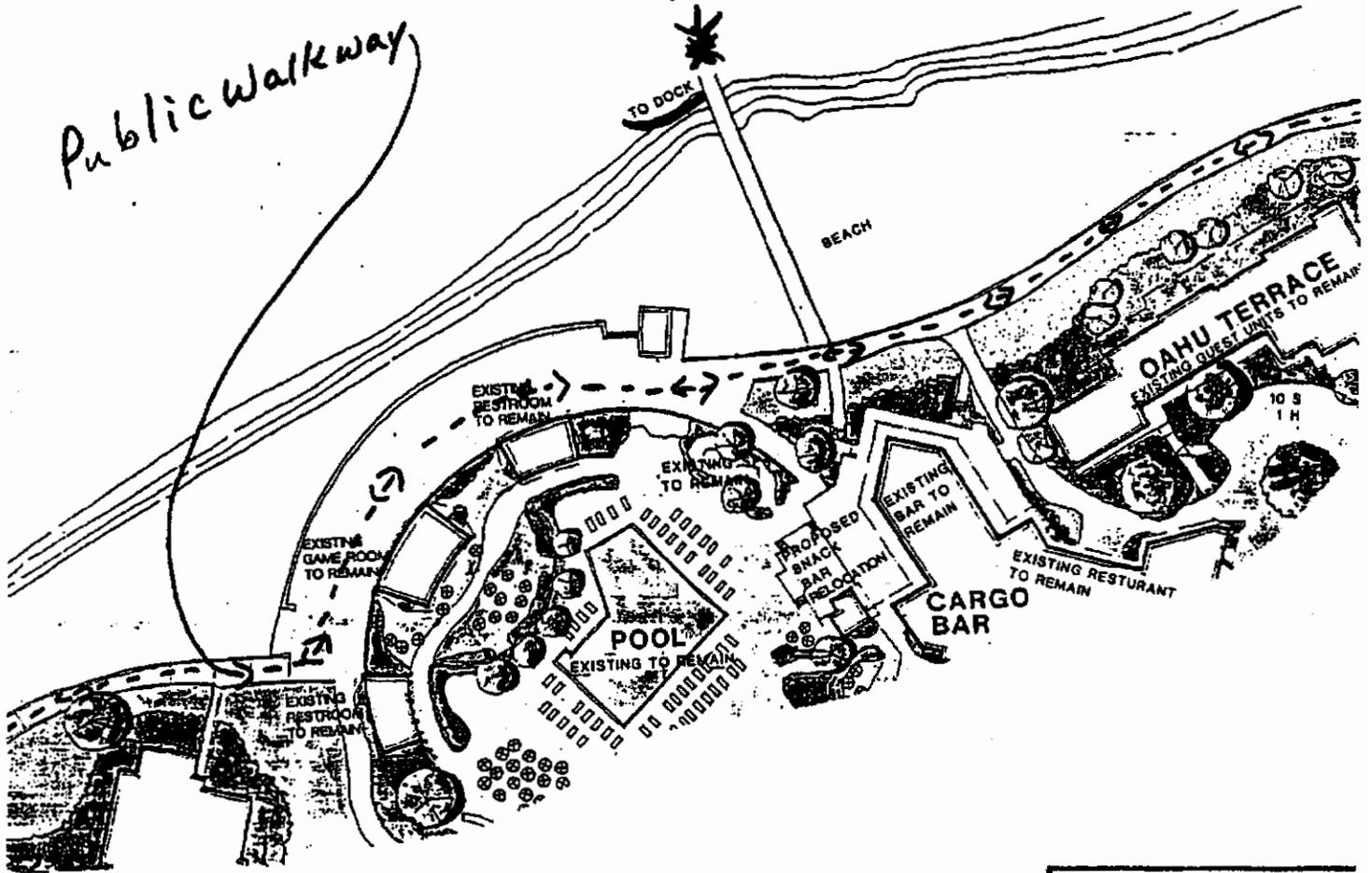


EXHIBIT NO. 2
APPLICATION NO.
6-85-500
Site Plan

SAN DIEGO HILTON HOTEL MASTER PLAN

AREA CALCULATIONS AND PARKING TABULATIONS FOR PROPOSED USES

AREA*	EXISTING S.F.	EXISTING & PROPOSED S.F.	NET ADDED S.F.	NEW PARKING REQ. FOR NET ADDED S.F.
GUEST RMS (1:ROOM)*	354 RMS	369 RMS (355 RMS)	15 RMS (0)	15 (0)
RESTAURANT, BAR, COFFEE SHOP (1:200 LESS 1/3 FOR GUESTS)*	7,798	9,375 (12,395)	1,577 (4,597)	5 (30)
MEETING/BANQUET (1:200)*	11,520	11,961 (11,940)	441 (420)	2 (2)
RETAIL/TENNIS CLUB (1:500)* (PERMIT NO.6-81-241)	1,767	5,295 (2,333)	3,528 (566)	7 (1)
HOTEL OPERATIONS (1:300)*				
OFFICE	5,520	7,793	2,273	
FOOD PREP./STOR	9,502	9,695	193	
LOBBY/FOYER/RECEPT.	3,561	5,047	1,486	
CIRCULATION	4,025	4,025	0	
RESTROOMS	707	1,597	890	
MECHANICAL	<u>3,071</u>	<u>3,672</u>	<u>601</u>	
SUB TOTAL	26,386	31,829 (33,050)	5,443 (6,664)	18 (22)
POOL DECK AREA	38,290	38,290 (38,290)	0	0 (0)
TOTAL REQ. NEW PARKING				47
TOTAL NEW PARKING PROVIDED ON MASTER PLAN				89 (55)
EXISTING PARKING				<u>403</u>
TOTAL PROPOSED MASTER PLAN PARKING				492 (458)
				7 HANDICAPPED 269 COMPACT <u>216</u> STANDARD 492 TOTAL

PARKING REQUIRED FOR TOTAL EXISTING AND PROPOSED AREA PER GUIDE LINES

577 (611)

[] APPROVED MASTER PLAN DATA FROM APPLICATION NO. 6-84-144

EXHIBIT NO. 3
APPLICATION NO. 6-85-500
Parking Data

California Coastal Commission

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ATTACHMENT 6

201 Wilshire Boulevard, Second Floor
Santa Monica, California 90401
Fax: (949) 717-0069

Matt Hagemann
Tel: (949) 887-9013
Email: mhagemann@swape.com

August 4, 2008

Ms. Tanya A. Gulesserian
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

**Subject: Comments on the La Salle Hotel Project, Mission Bay, San Diego,
California**

We have reviewed available documentation for the La Salle Hotel project to remove an existing, approximately 9,000 sq.ft., temporary event tent structure and three tennis courts at the Mission Bay Hilton, and to construct a single-story, 16,500 sq. ft. conference center within the same area of an existing resort hotel complex. We have reviewed the materials to evaluate the adequacy of measures that are proposed to protect water quality from stormwater runoff.

The conference center will be located approximately 500 feet from Mission Bay which is listed by the State of California as impaired under Section 303(d) of the Clean Water Act for lead and for eutrophic conditions at the mouth of Tecolote Creek¹. The mouth of Tecolote Creeek is approximately 3500 feet south of the coastal area adjacent to the proposed development. The 303(d) status of Mission Bay was not mentioned in a letter report² prepared for the California Coastal Commission which identified best management practices to mitigate runoff from the project.

The letter report to the Coastal Commission did identify heavy metals, which include lead, to be a post construction pollutant of concern that "may be generated on-site" along with:

- Sediments;
- Nutrients;
- Heavy metals;
- Trash and debris;
- Oxygen demanding substances;

¹ http://www.swrcb.ca.gov/water_issues/programs/tmdl/docs/303dlists2006/swrcb/r9_final303dlist.pdf

² Letter from Tri-Dimensional Engineering to California Coastal Commission Re: Standard Urban Stormwater Mitigation Plan (SUSMP), February 25, 2008.

- Oil and grease;
- Bacteria and viruses; and
- Pesticides.³

To address the potential for water quality degradation from site runoff, post construction best management practices (BMPs) were identified in the letter report to include⁴:

Site Design BMPs

- Minimize directly-connected impervious areas: Where practicable, the proposed impervious areas on site will carry flows to vegetated landscape areas before discharging into the site storm drain system. Roofdrains will flow to the surface and not directly into storm drain. A grass swale is proposed to carry flow from all site storm drains.
- Convey runoff safely from the top of slopes: When applicable, runoff will convey to swales and drain system instead of flowing over slopes where possible.
- Driveway has single flared entry at street: Single entry will minimize pollutants generated from automobile use.

Source Control BMPs

- Proper standard solid waste material handling.
- Regular inspection and maintenance of groundcover and groundcover support systems (i.e. irrigation lines and heads). This maintenance schedule shall be addressed in the project's final Water Pollution Control Plan (WPCP), to be prepared by this office.
- Irrigation system to be designed to each landscape area's specific water requirements - The system will be designed by a qualified licensed landscape architect.

Treatment Control BMPs

- Allow runoff to travel in vegetated (grassy) swale before entry into the system: Landscaping is very effective in reducing remaining pollutants not mitigated by above. We propose a single exit point for sub grade drainage into a vegetated swale.

Given the impaired status of Mission Bay at the mouth of Tecolote Creek and the 500 foot distance of the project from the Bay, we find these BMPs to be inadequate in addressing heavy metals (including lead) and other pollutants of concern. We also suggest that simple reliance on a vegetated swale – as described by the applicant above with no specific mention of sizing or vegetation type – is insufficient as a treatment BMP.

³ Letter from Tri-Dimensional Engineering to California Coastal Commission Re: Standard Urban Stormwater Mitigation Plan (SUSMP), February 25, 2008, p. 1

⁴ Letter from Tri-Dimensional Engineering to California Coastal Commission Re: Standard Urban Stormwater Mitigation Plan (SUSMP), February 25, 2008, pp. 2 and 3.

An integrated approach that commits to use of the County of San Diego's Low Impact Development program (see the 2007 County of San Diego Low Impact Development Handbook⁵) should instead be used by the applicant to identify BMPs that together will ensure the greatest degree of contaminant reduction.

The Low Impact Development Handbook identifies numerous BMPs not considered by the applicant which are applicable to the proposed development, including:

- Infiltration trenches;
- Infiltration basins;
- Vegetated filter strips;
- Sand filters;
- Bioretention systems;
- Curb cuts; and
- Concave landscape areas to promote infiltration.

In summary, the applicant should prepare a report that includes a thorough evaluation of an integrated system of BMPs to protect the water quality of Mission Bay which is listed as impaired by the State of California within 3500 feet of the proposed project. The report should include specific evaluation and adoption of BMPs recommended in the County of San Diego Low Impact Development Handbook to ensure greater reductions in pollutants of concern that may flow to Mission Bay and further impair water quality.

Sincerely,

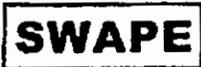


Matt Hagemann

⁵ <http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

ATTACHMENT 7

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Technical Consultation, Data Analysis and
Litigation Support for the Environment

201 Wilshire Boulevard, Second Floor
Santa Monica, California 90401
Tel: (949) 887-9013
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Email: mhagemann@swape.com

Matthew Hagemann

Investigation and Remediation Strategies
Hydrogeologic Characterization
Regulatory Compliance
Expert Witness
Research

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Teaching Certificate, Science, University of Oregon, Eugene, OR, 1987.

Professional Experience:

Matt has 20 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, SWAPE (2003 – present);
- Senior Environmental Analyst, Komex H2O Science, Inc (2000-2003);
- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and

- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt's responsibilities have included:

- Manager of a project to evaluate dozens of formerly used military sites in the western U.S.
- Technical assistance and litigation support for TCE vapor intrusion concerns.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Lead analyst in the review of numerous environmental impact reports that identify significant issues with regard to hazardous waste, water quality and geologic hazards.
- Public and agency outreach on policy issues related to perchlorate contamination of the Colorado River and related drinking water supplies.

With Komex H2O Science Inc., Matt's duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.
- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality,

including Surfriider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.
- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Inadequate Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Inadequate Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and Hagemann, M., 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

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Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and Hagemann, M.F. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukunaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

ATTACHMENT 8

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Tri-Dimensional Engineering, Inc.
ENGINEERING • PLANNING • SURVEYING

February 25, 2008

California Coastal Commission (San Diego area)
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Re: Standard Urban Stormwater Mitigation Plan (SUSMP)
Hilton San Diego Resort
CDP Application Permit #6-07-125
1775 E. Mission Bay Drive
San Diego, CA 92109

RECEIVED
FEB 26 2008
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Sir or Madam,

This scope of this project includes the removal of an existing/temporary tent and three (3) tennis courts along with the construction of a single-story (16,500 sq. ft.) conference center, within the existing Hilton San Diego Resort Complex, located adjacent to Mission Bay. We have reviewed the above-referenced project and analyzed its potential impact on water quality for post-construction activities. We find that the following apply and shall be mitigated, so the project causes no adverse water quality impacts upon completion of construction.

- 1.) **Pollutants of Concern – *post-construction*:** As this is a commercial project that includes adding additional impervious area and parking space facilities, the pollutants of concern that may be generated on-site include the following (as defined in the City of San Diego Storm Water Standards Manual):
 - a. Sediments
 - b. Nutrients
 - c. Heavy Metals
 - d. Trash and Debris
 - e. Oxygen demanding substances
 - f. Oil and Grease
 - g. Bacteria and Viruses
 - h. Pesticides

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2.) Best Management Practices (BMPs) – Post-Construction

a. *Site Design BMPs* are site features specifically designed to minimize impervious areas and pollutant-sources identified in 1. above. For this site, they will include, but are not necessarily limited to:

- i. *Minimize directly-connected impervious areas:* Where practicable, the proposed impervious areas on site will carry flows to vegetated landscape areas before discharging into the site storm drain system. Roof drains will flow to the surface and not directly into storm drain. A grass swale is proposed to carry flows from all site storm drains.
- ii. *Convey runoff safely from the top of slopes:* When applicable, runoff will convey to swales and drain system instead of flowing over slopes where possible.
- iii. *Driveway has single flared entry at street:* Single entry will minimize pollutants generated from automobile use.

b. *Source Control BMPs* after construction and continuing indefinitely include regular inspection, maintenance, and replacement of site features designed to limit or eliminate sediments and other pollutants from being created in the first place, and thus traveling downstream, and also include proper design of irrigation systems to minimize surface runoff from irrigation. They include, but are not necessarily limited to:

- iv. *Proper standard solid waste material handling.*
- v. *Regular inspection and maintenance of groundcover and groundcover support systems* (i.e. irrigation lines and heads). This maintenance schedule shall be addressed in the project's final Water Pollution Control Plan (WPCP), to be prepared by this office.
- vi. *Irrigation system to be designed to each landscape area's specific water requirements* – The system will be designed by a qualified licensed landscape architect.

c. *Treatment Control BMPs* after construction include filtering devices designed to eliminate or substantially reduce sediments and pollutants in high-concentration, low to medium volume flows that have already entered the site's storm drain system from entering the downstream system. The proposed features can be reviewed on the future construction Grading and/or Site Plan and include, but are not necessarily limited to:

- vii. *Allow runoff to travel in vegetated (grassy) swale before entry into the system:* Landscaping is very effective in reducing remaining pollutants

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not mitigated by items a. and b. above. We propose a single exit point for sub grade drainage into a vegetated swale.

Maintenance Responsibility for Permanent BMPs:.....

The projects owner(s), and their successors and assigns indefinitely, shall be responsible for maintenance and repair of all storm water pollution prevention measures.

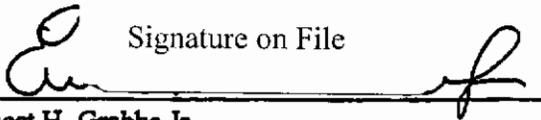
The monetary responsibilities to maintain such system shall be guaranteed by a Stormwater Discharge Control Agreement between the project owners and the City of San Diego, in accordance with the regulations set forth in the Clean Water Act and the California Water Code.

Summary/Conclusions:

In summary, we find that the potential pollution and sediment impacts from the project during and post-construction are typical and mitigatable considering the project's type, location, and scale, when following the guidelines described above and those that will appear more specifically in the future Water Pollution Control Plan and/or Water Quality Technical Report.

If we can be of any further assistance in this matter, please do not hesitate to contact us. Thank You.

Sincerely,

 Signature on File

Ernest H. Grabbe Jr.
RCE 047327



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ATTACHMENT 9

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State of California, Edmund G. Brown Jr., Governor

California Coastal Commission
San Diego District
6154 Mission Gorge Road, Suite 220
San Diego, California 92120
(714) 280-6992
ATSS 636-5868

Filing Date: November 2, 1981
49th Day: December 21, 1981
180th Day: May 1, 1982
Analyst: JMH:mae
Date: November 25, 1981
For Meeting of: December 15-18, 1981

STAFF REPORT: CONSENT CALENDAR

Application No. 6-81-241

Applicant: The San Diego Hilton Hotel Agent: SGPA Planning & Architecture

Description: Demolition of existing Tennis Club facility and construction of new 2-story tennis club facility (1,862 sq.ft.).

Zoning Park
Plan designation Regional & Resource Park

Site: 1775 E. Mission Bay Dr., San Diego.

Substantive File Documents: F9560

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution.

I. Approval:

The Commission hereby grants a permit for the proposed development 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.

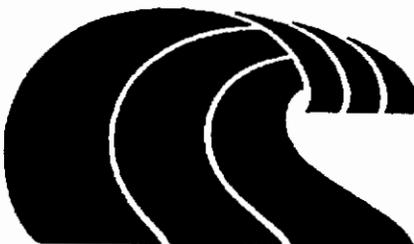
II. Standard Conditions.

See attached page.

DEC 17 1981

COMMISSION ACTION ON _____

- Approved as Recommended
- Denied as Recommended
- Approved with Changes
- Denied
- Other



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III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History - In January, 1981, the Commission granted a permit to the San Diego Hilton for the demolition of four hotel units and removal of 46 parking spaces; construction of 45 new hotel units and provision of additional landscaping. The permit was granted with the following condition:

"That prior to issuance of a coastal development permit for the proposed project, the applicant and the Commission shall enter into an agreement. Under the terms of said agreement, applicant shall establish a continuous monitoring program to determine the adequacy of hotel complex parking, for a two-year period commencing with the completion of construction, and shall report annually in the month of August to the Commission the results of the parking monitoring program. Subsequent to its review of the monitoring program, and if it is deemed necessary in order to mitigate adverse impacts on coastal access, the Commission may require, and the applicant shall construct, additional parking spaces on-site, up to a limit of one hundred thirty-two (132) additional spaces. The agreement shall be reviewed and approved in writing by the Executive Director and accepted by the applicant prior to the transmittal of the permit."

Since construction is not yet complete on the project, no results have been submitted to the Commission as yet.

2. Project Description - Proposed is the demolition of an existing one-story 140 sq. ft. tennis club control building and the construction of a two-story 1,862 sq. ft. tennis club facility with additional landscaping, and alteration of the adjacent parking configuration resulting in one additional parking space. The new building will house 2 locker rooms on the first floor and the second floor will be an enclosed deck and an open deck.

3. Parking - The proposed tennis club facility is intended primarily for the use of the hotel guests and will not generate an increase in parking demand. The special condition to permit F9560 provides for the monitoring of parking demand and for additional parking to be added if the study shows a need for an increase in parking.

4. Local Coastal Planning - The project site is in Mission Bay Park. The immediate area is all parkland providing access to Mission Bay. The site is zoned Park and has a plan designation of guest housing. The proposed project is consistent as an accessory use to the plan designation. Approval of this project will not prejudice the ability of the City of San Diego to prepare a certifiable Local Coastal Plan.

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Application No. 6-81-241

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction 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 construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions 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.

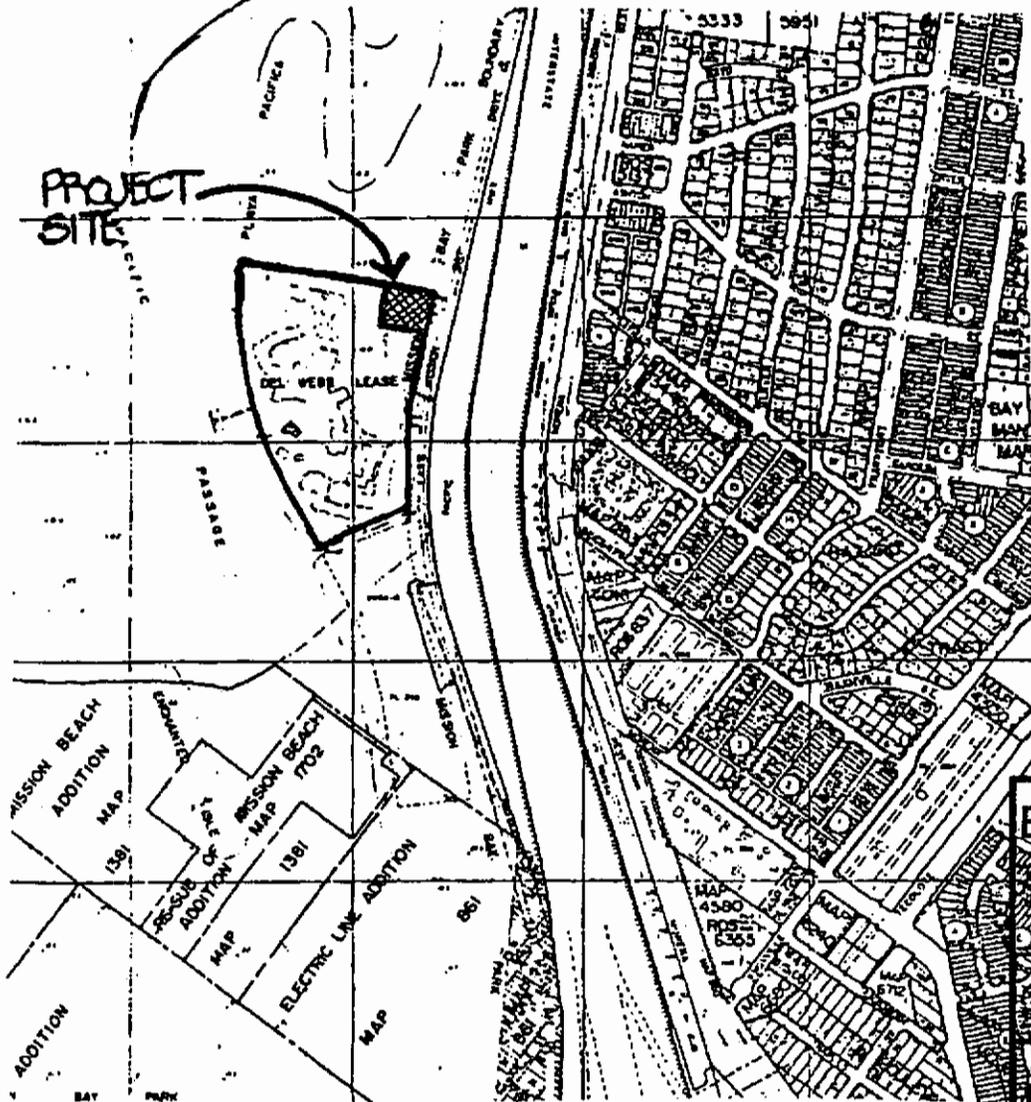
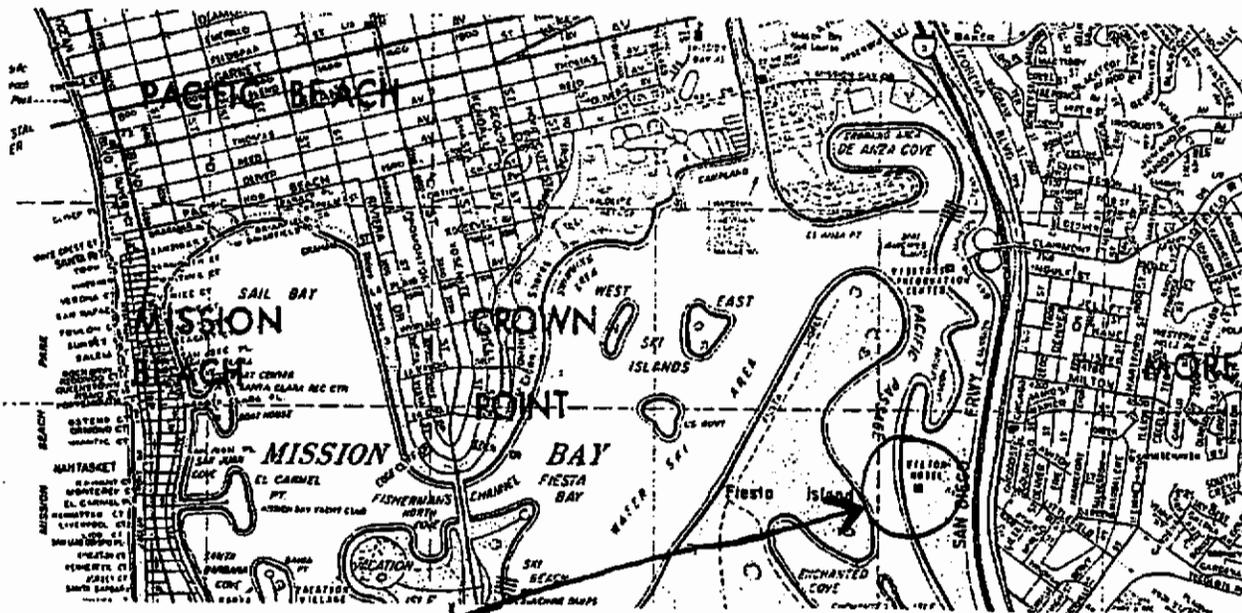


EXHIBIT NO. A
 APPLICATION NO.
 6-81-241



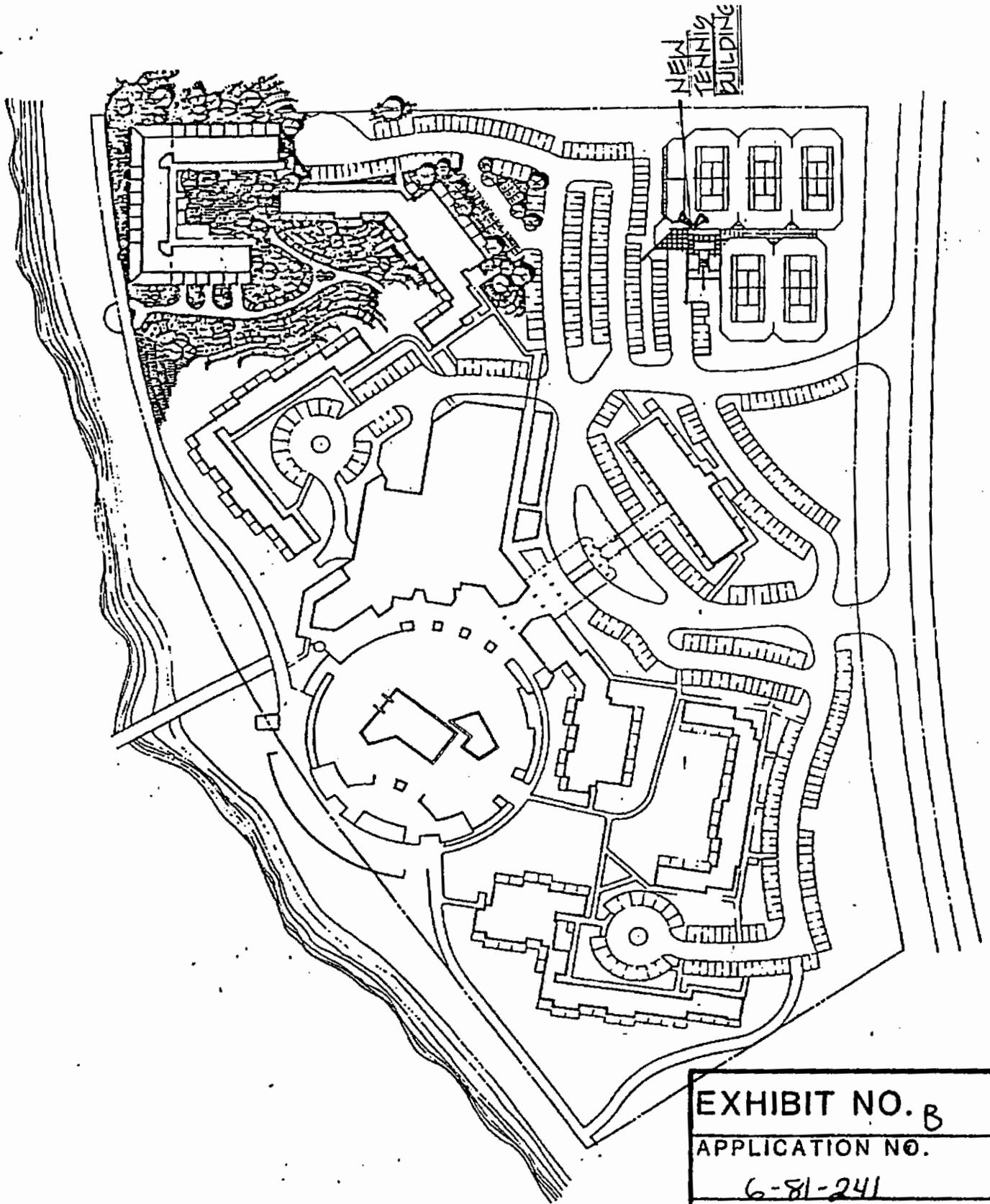


EXHIBIT NO. B

APPLICATION NO.

6-81-241



California Coastal Commission

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