

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370 FAX (619) 767-2384

www.coastal.ca.gov

F 14

SAN DIEGO COAST DISTRICT DEPUTY DIRECTOR'S REPORT

For the

August Meeting of the California Coastal Commission

MEMORANDUM

Date: August 14, 2009

TO: Commissioners and Interested Parties
FROM: Sherilyn Sarb, San Diego Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the San Diego Coast District Office for the August 14, 2009 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the San Diego Coast District.

REGULAR WAIVERS

1. 6-09-039-W City of San Diego, Attn: Stuart Seymour (Peninsula, San Diego, San Diego County)
2. 6-09-048-W Nigel Bloch (Solana Beach, San Diego County)

DE MINIMIS WAIVERS

1. 6-09-046-W Joseph Driscoll (Solana Beach, San Diego County)

IMMATERIAL AMENDMENTS

1. A-6-IMB-07-131-A1 Pacifica Companies and Pacific Hosts, Inc., Attn: Allison Rolfe (Imperial Beach, San Diego County)
2. 6-06-136-A1 Ocean Pacific San Juan, LLC (Mission Beach, San Diego, San Diego County)
3. 6-08-048-A1 California Department of Parks and Recreation, Attn: Clay Phillips -S.Sector Superintendent (Imperial Beach, San Diego County)

EXTENSION - IMMATERIAL

1. A-6-CII-07-017-E1 Homer & Nina Eaton (Carlsbad, San Diego County)

LETTER OF COMMENT - EXTENSION - IMMATERIAL

1. A-6-CII-07-017-E1 Homer & Nina Eaton (Carlsbad, San Diego County)

TOTAL OF 8 ITEMS

DETAIL OF ATTACHED MATERIALS

REPORT OF REGULAR WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
6-09-039-W City of San Diego, Attn: Stuart Seymour	Replacement of an existing wooden stairway with a new aluminum stairway in the same location near the coastal bluff at the hydroelectric building at the Point Loma Wastewater Treatment Plant (PLWTP).	1902 Gatchell Road (Point Loma Wastewater Treatment Plant), Peninsula, San Diego (San Diego County)
6-09-048-W Nigel Bloch	Construct 353 sq. ft. first floor addition to existing 2,502 single family residence.	801 Santa Rosita, Solana Beach (San Diego County)

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
6-09-046-W Joseph Driscoll	Subdivide an existing 26,337 sq. ft. parcel to create three lots: Lot 1 = 6,425 sq. ft.; Lot 2 = 6,061 sq. ft. and; Lot 3 = 13,851 sq. ft. An existing single-family residence will remain on Lot 3.	755 South Cedros Avenue, Solana Beach (San Diego County)

REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
A-6-IMB-07-131-A1 Pacifica Companies and Pacific Hosts, Inc., Attn: Allison Rolfe	Construction of a roof deck patio to the previously approved 78-unit hotel. The patio will consist of 2,500 sq.ft. of usable space for receptions of a maximum of 150 people and occasional restaurant service.	800 Seacoast Drive, Imperial Beach (San Diego County)
6-06-136-A1 Ocean Pacific San Juan, LLC	Conversion of ten condominium units to 80 fractional shares/deeded ownership units for sale (in lieu of 10 individually owned condominium units for sale). No change to building footprint or on-site parking is proposed.	3607 Ocean Front Walk, Mission Beach, San Diego (San Diego County)

6-08-048-A1 California Department of Parks and Recreation, Attn: Clay Phillips -S.Sector Superintendent	To allow placement of approximately 35,000 cu.yds. of sediment on the beach to occur between September 15th and December 31, 2009	On the beach, along Border Field State Park Beach, from approximately 1/2-mile south of the Tijuana River mouth to approximately 1/2-mile north of the Mexican border, Imperial Beach, Imperial Beach (San Diego County)
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REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
A-6-CII-07-017-E1 Homer & Nina Eaton	The construction of a two-story 5,619 sq. ft. single family residence with a basement on an undeveloped bluff-top lot protected by existing riprap revetment built in an unapproved location and configuration.	5011 Tierra Del Oro, Carlsbad (San Diego County)

LETTER OF COMMENT- REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
A-6-CII-07-017-E1 Homer & Nina Eaton	The construction of a two-story 5,619 sq. ft. single family residence with a basement on an undeveloped bluff-top lot protected by existing riprap revetment built in an unapproved location and configuration.	5011 Tierra Del Oro, Carlsbad (San Diego County)

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: July 28, 2009
TO: City of San Diego, Attn: Stuart Seymour
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 6-09-039-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13253(c) of the California Code of Regulations.

APPLICANT: **City of San Diego, Attn: Stuart Seymour**

LOCATION: **1902 Gatchell Road (Point Loma Wastewater Treatment Plant), Peninsula, San Diego (San Diego County) (APN(s) 532-520-06)**

DESCRIPTION: **Replacement of an existing wooden stairway with a new aluminum stairway in the same location near the coastal bluff at the hydroelectric building at the Point Loma Wastewater Treatment Plant (PLWTP).**

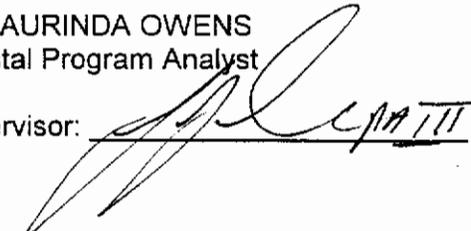
RATIONALE: **A coastal development permit is required because the proposed development will result in an improvement to a structure within 50 feet of the edge of a coastal bluff (which is armored with rip rap) at the northwestern portion of the PLWTP property. However, the proposed replacement stairway will be in the same location as the existing stairway and will not result in any adverse impacts to the geologic integrity of the coastal bluff, pursuant to an update to the geotechnical report for the plant site. As such, no adverse impacts to coastal resources are anticipated.**

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Friday, August 14, 2009, in San Francisco. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: LAURINDA OWENS
Coastal Program Analyst

Supervisor: 

cc: Local Planning Dept.

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: August 3, 2009
TO: Nigel Bloch
FROM: Peter M. Douglas, Executive Director
SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver Number 6-09-048-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13250(c) of the California Code of Regulations.

APPLICANT: **Nigel Bloch**

LOCATION: **801 Santa Rosita, Solana Beach (San Diego County) (APN(s) 263-500-02)**

DESCRIPTION: **Construct 353 sq. ft. first floor addition to existing 2,502 single family residence.**

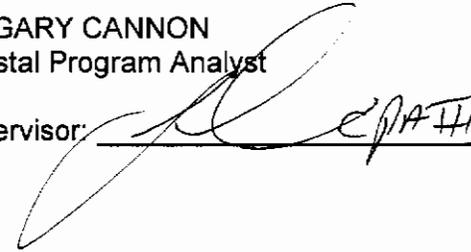
RATIONALE: **The proposed residential addition requires a permit because the site is located between the first public roadway and the sea (San Elijo Lagoon) and involves an increase in more than 10% of the existing floor area. The proposed addition will be located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development; therefore, the project will not be out of character with the existing community. The project is consistent with the zoning and plan designations for the City of Solana Beach. The site is not located in the visual or CRP overlays contained in the previously certified County of San Diego LCP. The project is consistent with all applicable Chapter 3 policies of the Coastal Act and no adverse impacts to coastal resources are anticipated.**

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Friday, August 14, 2009, in San Francisco. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: GARY CANNON
Coastal Program Analyst

Supervisor: 

cc: Local Planning Dept.

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: July 30, 2009
 TO: Joseph Driscoll
 FROM: Peter M. Douglas, Executive Director
 SUBJECT: Waiver of Coastal Development Permit Requirement:
Waiver De Minimis Number 6-09-046-W

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13238 of the California Code of Regulations.

APPLICANT: **Joseph Driscoll**

LOCATION: **755 South Cedros Avenue, Solana Beach (San Diego County) (APN(s) 298-212-10)**

DESCRIPTION: **Subdivide an existing 26,337 sq. ft. parcel to create three lots: Lot 1 = 6,425 sq. ft.; Lot 2 = 6,061 sq. ft. and; Lot 3 = 13,851 sq. ft. An existing single-family residence will remain on Lot 3.**

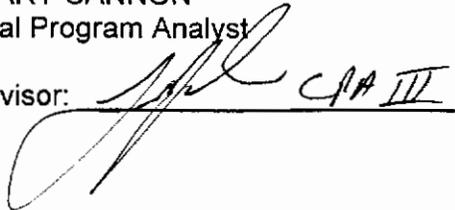
RATIONALE: **The proposed project is located in an established residential neighborhood consisting of single-family residences. The proposed subdivision will result in lots that are similar in size and scale to the surrounding residential lots; therefore, the project will not be out of character with the surrounding community. The proposed lot line adjustments are consistent with the zoning development standards for the City of Solana Beach. The project site is not located within any of the special overlay areas identified in the previously certified County of San Diego LCP. The proposed project is consistent with all applicable Chapter 3 policies of the Coastal Act and no adverse impacts to any coastal resources are anticipated.**

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Friday, August 14, 2009, in San Francisco. If four Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,
 PETER M. DOUGLAS
 Executive Director

By: GARY CANNON
 Coastal Program Analyst

Supervisor:  CPA III

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**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Peter Douglas, Executive Director
DATE: July 30, 2009
SUBJECT: **Permit No: A-6-IMB-07-131-A1**
Granted to: Pacifica Companies and Pacific Hosts, Inc., Attn: Allison Rolfe

Original Description:

for **Demolition of an existing 38-unit hotel and construction of a new 4-story, 40 ft.- high 129,845 sq. ft., 78-unit condominium-ownership hotel, including a restaurant, pool, conference facilities, and 111 space underground parking garage, on a 1.39 acre beachfront lot, removal of an existing perched beach on the seaward side of the hotel, relocation and construction of a vertical seawall 35 ft. inland of its existing location, and street improvements on Date Avenue.**

at **800 Seacoast Drive, Imperial Beach (San Diego County)**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

Construction of a roof deck patio to the previously approved 78-unit hotel. The patio will consist of 2,500 sq.ft. of usable space for receptions of a maximum of 150 people and occasional restaurant service.

FINDINGS

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

The proposed project will add 2,500 sq.ft. of restaurant space to an approved 78-unit hotel with approx. 4,298 sq.ft. of restaurant and 2,111 sq.ft. of conference space. The City's LCP typically requires hotels to provide 1.5 parking spaces per room with kitchens. However, a reduction of this standard (to as low as 1 space per unit) is permitted with a site-specific parking study that takes into account accessory uses at the site. A parking study was performed for the original project. The additional restaurant area will not result in a parking ratio below that typically required in San Diego County for hotels with the proposed accessory uses. Minimal visual impact will occur. Thus, no significant impacts to coastal resources are anticipated.

If you have any questions about the proposal or wish to register an objection, please contact Diana Lilly at the San Diego Coast District office.

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**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Peter Douglas, Executive Director
DATE: August 3, 2009
SUBJECT: **Permit No: 6-06-136-A1**
Granted to: Ocean Pacific San Juan, LLC

Original Description:

for **Conversion of existing three-story (over basement), approximately 37 ft. high, 11,692 sq.ft., 10-unit apartment building, with 16 parking spaces in basement garage to condominium ownership and, reduction in overall size of existing building from approximately 16,338 sq.ft. to 16,303 sq.ft. on a 7,040 sq.ft. oceanfront lot.**

at **3607 Ocean Front Walk, Mission Beach, San Diego (San Diego County)**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

Conversion of ten condominium units to 80 fractional shares/deeded ownership units for sale (in lieu of 10 individually owned condominium units for sale). No change to building footprint or on-site parking is proposed.

FINDINGS

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

The proposed change in ownership requires a coastal development permit because it results in a change in intensity of use. The proposed fractional ownerships of a 10-unit building in a residential zone (as opposed to a visitor-serving commercial zone) does not result in any adverse impacts to public access or coastal resources.

If you have any questions about the proposal or wish to register an objection, please contact Laurinda Owens at the San Diego Coast District office.

cc: Local Planning Dept.

Peterson & Price, Attn: Matt Peterson

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MAILED
7-29-09

**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties
FROM: Peter Douglas, Executive Director
DATE: July 29, 2009
SUBJECT: **Permit No: 6-08-048-A1**

Granted to: California Department of Parks and Recreation, Attn: Clay Phillips -S.

Original Description:

for **Deposition of 60,000 cu.yds. of sediment obtained from the Goat Canyon sediment storage and sorting area onto the beach in three increments as a four-month experiment in using siltier sands for beach replenishment.**

at **On the beach, along Border Field State Park Beach, from approximately 1/2-mile south of the Tijuana River mouth to approximately 1/2-mile north of the Mexican border, Imperial Beach, Imperial Beach (San Diego County)**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

To allow placement of approximately 35,000 cu.yds. of sediment on the beach to occur between September 15th and December 31, 2009

FINDINGS

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

Only 10,000 cu.yds. of sediment has been placed on the beach, where 60,000 cu.yds. was approved. The project lost funding and couldn't meet original timeframe. The amendment will allow the project to begin again under all the same parameters/restrictions, except the placement will take approximately three weeks and will occur between September 15, 2009 and December 31, 2009. No impacts on coastal resources are anticipated.

If you have any questions about the proposal or wish to register an objection, please contact Ellen Lirley at the San Diego Coast District office.

cc: Local Planning Dept.

Moffitt & Nichol, Engineers, Attn: Brian Leslie

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MAILED
7/20/09



July 20, 2009

NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that: **Homer & Nina Eaton**
has applied for a one year extension of Permit No: **A-6-CII-07-017-E1**
granted by the California Coastal Commission on: **December 12, 2007**

for **The construction of a two-story 5,619 sq. ft. single family residence with a basement on an undeveloped bluff-top lot protected by existing riprap revetment built in an unapproved location and configuration.**

at **5011 Tierra Del Oro, Carlsbad (San Diego County)**

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,
PETER M. DOUGLAS
Executive Director

By: TONI ROSS
Coastal Program Analyst

Supervisor:

July 27, 2009

Ms. Toni Ross
Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive
Suite 103
San Diego, CA 92108-4402

RECEIVED

JUL 27 2009

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RE: One Year Extension of Permit No. A-6-CII-07-017-E1

Dear Ms. Ross,

I am the owner of the property to the south, 5015 Tierra Del Oro, Carlsbad, CA 92008. As you are well aware I too have an approval to construct a home on this property, (A-6-CH-08-28).

I am in support of you granting the extension to Homer and Nina Easton, subject to and contingent upon the following:

- 1) That the approved Basement not be allowed to be a **"daylight basement"**.
- 2) That no grading of the bluff be allowed seaward of **36' msl**.
- 3) That no patios, decks or structures be allowed seaward of **36' msl**.

This by no means is an attempt to be punitive to the applicants, Homer and Nina Eaton. These conditions simply mirror the exact same conditions that have been imposed on our approval, (A-6-CH-08-28). Furthermore, at Coastal Commission public hearing, related to my case, (August 8, 2008 and May 6, 2009), staff has publically stated that the property to the north, (Riley, now Eaton Ownership), **cannot have a daylight basement or grade the bluff seaward of 36' msl for any patios, decks or structures.**

If for any reason you want to allow a daylight basement and grading of the bluff seaward of 36' msl for the Eaton property; I would not object to these conditions as long as my property to the south's conditions were equally revised to allow the exact same conditions as granted to the Eaton property to the north. If there is any inequity between conditions granted for the Eaton property as compared to the Moss property, I reserve my rights to seek immediate judicial relief.

Please respond to me in writing, within 5 days of receipt of this letter with a clear concise position the California Coastal Commission is taking with regards to the aforementioned items 1 - 3. Simply put, affirm your position as to whether or not the Eaton property will be allowed to have a daylight basement which provides direct access to the bluff or whether they will be allowed to grade the bluff seawards of 36' msl for the construction of their approved house or any other patios, decks or structures.

Sincerely,



Steven H. Moss, Owner of 5015 Tierra Del Oro, Carlsbad, CA

Cc Homer and Nina Eaton