

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



F 20b

Addendum

August 9, 2010

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item 20b**, Coastal Commission Permit Application
#6-09-79-A1 (County of San Diego Public Parking Facility), for the
Commission Meeting of August 13, 2010.

Staff recommends the following changes be made to the above-referenced staff report:

1. The attached Coastal Development Permit containing the special conditions required for the original Commission approval of the revetment shall be added as Exhibit #3 to the staff report.

CALIFORNIA COASTAL COMMISSION

San Diego Coast Area Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421
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SAN DIEGO COAST DISTRICT



Page: 1

Date: February 22, 2010
Permit Application No.: 6-09-079

COASTAL DEVELOPMENT PERMIT

On February 11, 2010, the California Coastal Commission granted to:

County of San Diego Department of Parks & Recreation

this permit subject to the attached Standard and Special Conditions, for development consisting of

Construction of a 1,500-foot long, 8-foot wide trail segment connecting Otay Valley River Park (OVRP) trail system to the Bayshore Bikeway

more specifically described in the application filed in the Commission offices.

The development is within the coastal zone at

Approximately 500 feet west of the intersection of Main Street and I-5 southbound Main Street off Ramp and 1,500 ft. northeast of terminus of Saturn Blvd, (19th Street), San Diego, San Diego County. APN 622-120-56; 622-151-04; 622-152-04; 622-61-04; 622-162-02.

Issued on behalf of the California Coastal Commission by

PETER M. DOUGLAS
Executive Director

Signature on file

By: DIANA LILLY
Coastal Program Analyst

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 65080, subdivision (b), pertinent part that: "A Public entity is not liable for injury caused by the issuance of a permit" applies to the issuance of this permit.

EXHIBIT NO. 3
APPLICATION NO.
6-09-79-A1
Original Permit
Conditions
California Coastal Commission

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COASTAL DEVELOPMENT PERMIT

Date: February 22, 2010

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IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

3-16-2010
Date


Signature of Permittee

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.

SPECIAL CONDITIONS:

The permit is subject to the following conditions:

1. **Final Plans.** **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit for review and written approval by the Executive Director, final plans in substantial conformance with the preliminary plans by the County Department of Parks and Recreation, date-stamped received on December 22, 2009.

The permittee shall undertake 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.

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COASTAL DEVELOPMENT PERMIT

Date: February 22, 2010

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2. Landscaping - Drought Tolerant, Non Invasive Plants. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), 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 a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>).

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F20b

Filed: July 14, 2010
49th Day: September 1, 2010
180th Day: January 10, 2011
Staff: D. Lilly-SD
Staff Report: July 16, 2010
Hearing Date: August 11-13, 2010

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-09-79-A

Applicant: County of San Diego Department of Parks & Recreation

Agent: Chuck Tucker

Original Description: Construction of a 1,500-foot long, 8-foot wide trail segment connecting the Otay Valley River Park trail system to the Bayshore Bikeway.

Proposed Amendment: Repave a portion of an existing private parking lot at the Swiss Club and resurface existing decomposed granite parking lot to create 18-space public parking/bicycle staging area for the adjacent trail.

Site: 2001 Main Street, San Diego, San Diego County

Substantive File Documents: City of San Diego certified Local Coastal Program (LCP);
Certified Otay Mesa-Nestor Community Plan

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed parking lot improvements. The project would provide a valuable public access and recreational amenity for the Bayshore Bikeway and the greater Otay Valley Regional Park trail system. The site has been previously used for private parking and no adverse biological impacts would occur.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-09-79-A1 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

1. Prior Conditions of Approval. All special conditions adopted by the Coastal Commission as part of the original permit action or any subsequent amendments, except as specifically modified or replaced herein, remain in full force and effect.

2. Final Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval by the Executive Director, final plans in substantial conformance with the preliminary plans by the County Department of Parks and Recreation, submitted on June 17, 2010.

The permittee shall undertake 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.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The proposed project consists of improvements to an existing private parking lot that is currently partially paved and partially decomposed gravel, to create two separate parking areas, one for the continued private use of the San Diego County Swiss Club, the other a public staging/parking area with 18 vehicle spaces to allow bicyclists and pedestrians access to the adjacent

Bayshore Bikeway and the Otay Valley River Park (OVRP) trail system.

In February 2010, the Commission approved construction of a 1,500-foot long, 8-foot wide trail segment connecting the OVRP trail system to the Bayshore Bikeway. The northern terminus of this trail will be located at the intersection of the Bayshore Bikeway and Main Street, approximately 500 feet west of Interstate 5. The trail will extend south over vacant land alongside of the existing parking lot of the Swiss Club, then south until it connects to Segment 1A of the OVRP trail, west of Interstate 5, at the extension of Louret Avenue. Construction of this trail segment is expected to begin in September 2010.

The subject site consists of two roughly triangle-shaped lots owned by the private San Diego County Swiss Club. Approximately half of the site (one lot) is currently paved and used for parking for the Swiss Club. The other half (the second lot) consists of decomposed granite and is used as overflow parking for the Club. The entire site is fenced and gated and has not historically been available to the public. The proposed project would create two distinct parking areas, separated by fencing, by adding a small amount of new paving and resurfacing the existing paved lot to create a lot just for private Swiss Club parking, and removing a small amount of existing paving and recompacting an 11,538 sq.ft. portion of the existing dirt/gravel lot with stabilized decomposed granite to create an 18-space public parking/staging area. A portion of the existing fencing at the parking entry gate will be converted into a new entrance gate for the public staging area. The project also includes replacement of the existing flag poles with new flag poles, replacement of exterior lighting, and placement of a portable toilet for trail users. Because only preliminary plans are available at this time, Special Condition #2 requires submittal of final plans.

The County is providing the parking lot improvements on the Swiss Club site in exchange for an easement granting the public use of the proposed improvements. When the sun sets, or as needed, the public staging area will be available for use by the Swiss Club.

The subject site is located within the City of San Diego Otay-Mesa Nestor Community Plan area. The City has a certified LCP, but the subject site is an area of deferred certification where the Commission retains permit authority.

2. Consistency with Chapter 3 Policies of the Coastal Act. Many sections of the Coastal Act emphasize the need to protect and provide for public access to and along the coast, and to provide low cost recreational facilities, including Sections 30210, 30212, 30252. Section 30604(c) requires that a specific access finding be made in conjunction with the approval of any development to be located between the first public roadway and the sea, indicating that the development is in conformity with the public access and public recreation policies of Chapter 3. In this case, such a finding can be made.

The proposed free public parking lot will be a valuable public access and recreational facility improving public access to the Bayshore Bikeway and the OVRP trail system. There are no sensitive resources on the site and the U.S. Fish and Wildlife Service has expressed support for the project. No direct or indirect impacts to biological resources

are anticipated, consistent with the resource protection policies of the Coastal Act. The Commission water quality staff has reviewed the project and determined the project will not adversely impact water quality.

Therefore, as conditioned, the proposed project does not raise any significant concerns and is consistent with the Coastal Act policies addressing public access, recreation, and environmentally sensitive resources.

3. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The site is located with the Otay Mesa-Nestor Land Use Plan segment of the City of San Diego's certified LCP, designated as a Special Study Area. The City of San Diego has assumed permit authority for some areas in the Otay Mesa-Nestor planning community; however, this project site is located in the Otay Mesa-Nestor River Valley area, which is an area of deferred certification. At this time, permit authority remains with the Commission for the Special Study Area.

Based on the preceding discussion in this report, the Commission finds that the proposed development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act and the certified City of San Diego Local Coastal Program. The Commission also finds, that based on the above, the proposed development would not prejudice the ability of the City of San Diego to obtain a fully certified local coastal program.

4. 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.

As discussed herein and as conditioned, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the biological and public access protection policies of the Coastal Act. As conditioned, there are no other feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might 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.

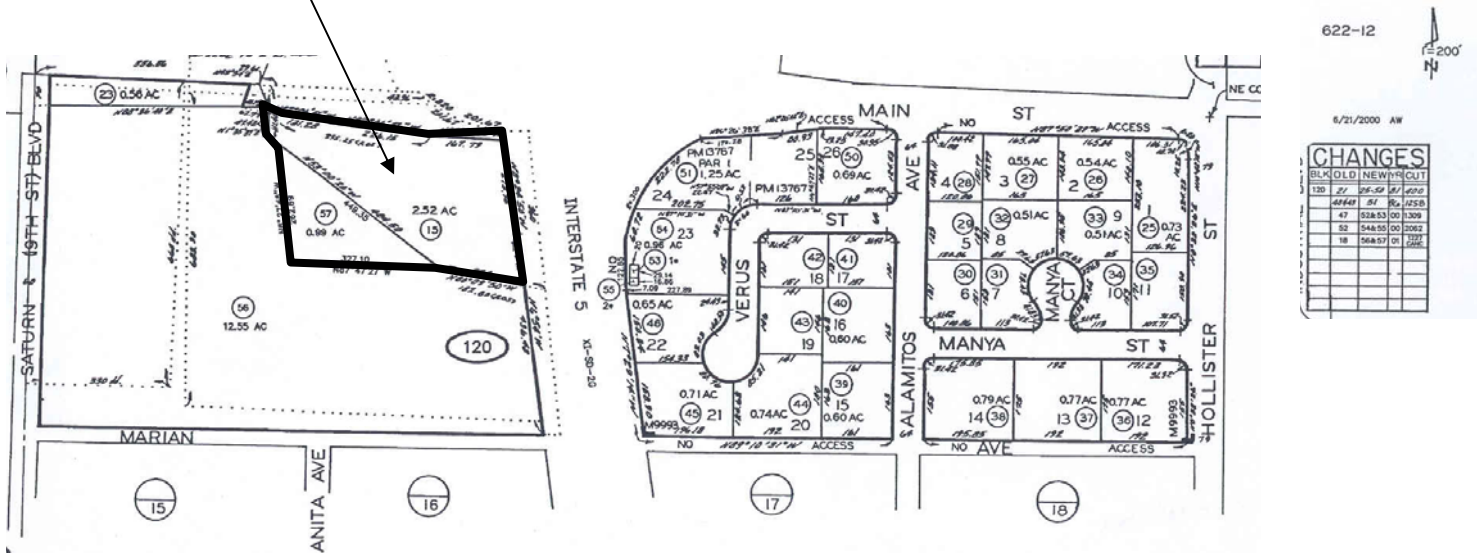
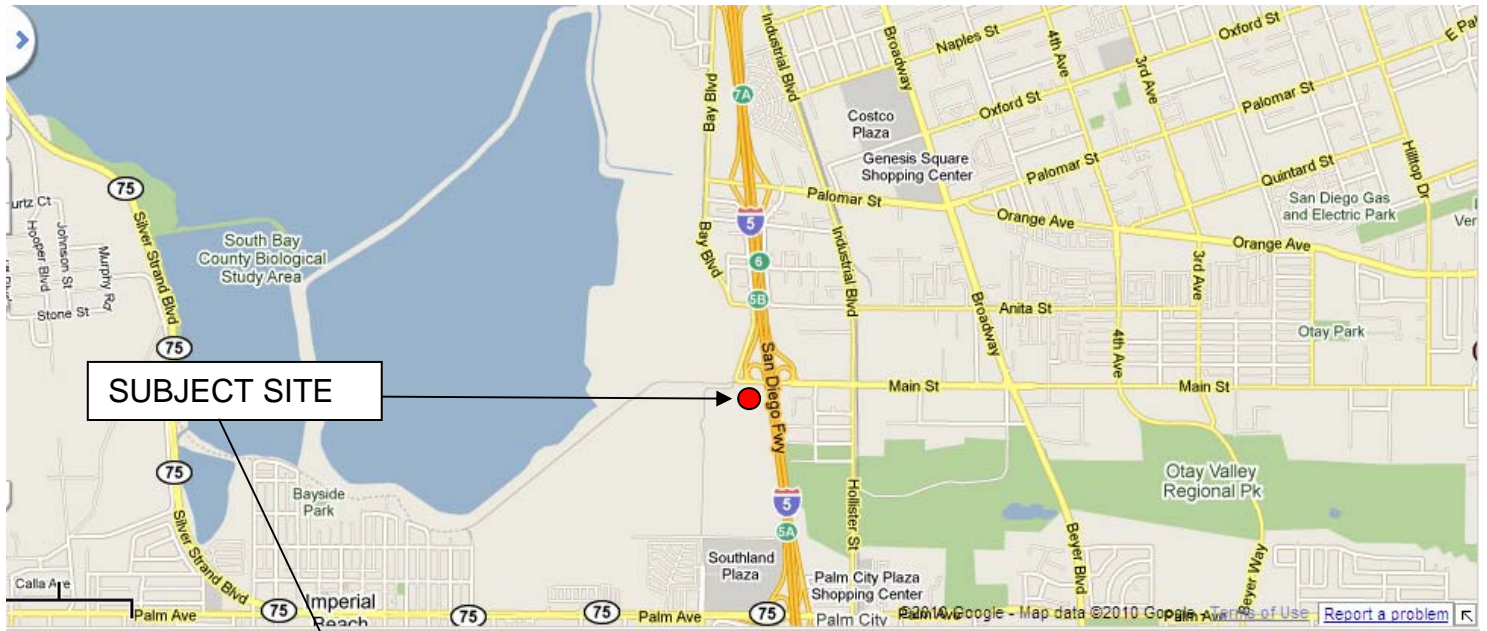


EXHIBIT NO. 1
APPLICATION NO.
6-09-79-A1
Location Map

