

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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original staff report

Th17c

Addendum

January 11, 2016

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item Th17c**, Coastal Commission Permit Application No. **6-15-1251 (Symphony Asset Pool XVI, LLC)**, for the Commission Meeting of Thursday, January 14, 2016.

The purpose of this addendum is to address new information received regarding unpermitted revisions made to the number of parking spaces located on the subject site. Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by a ~~strike through~~ and additions shall be underlined.

1. References to the subject permit as an “amendment” shall be corrected in Special Condition Nos. 1 & 2 on Page 5, and the first complete paragraph of Page 19.
2. On Page 1 of the staff report, the project description shall be revised as follows:

Demolish existing approximately 48-ft. tall, 21,000 sq. ft. Plunge pool structure [building 9] to construct a new approximately 21,000 sq. ft. Plunge pool structure in the same footprint and height, with a new approximately 6,381 sq. ft. interior mezzanine connected to a previously approved remodel of the adjacent athletic facility [building 8]. Resurface and restripe the north parking lot so as to restore the total parking supply for Belmont Park to 321 parking spaces.

3. On Page 2 of the staff report, the second full paragraph shall be revised as follows:

To address these potential adverse impacts the Commission staff is recommending **Special Conditions 1, 2, 3, and 4, and 5**. **Special Condition No. 1** requires the applicant to submit to final construction plans that are in substantial conformance with the plans reviewed by the Commission to ensure that the as-built development will minimize anticipated impacts. **Special Condition No. 2** requires a construction staging and storage plan be submitted to ensure that the demolition and construction activities of the proposed development do not adversely impact public access by occupying public areas or impede pedestrian traffic between the public roads and the adjacent beach area. **Special Condition No. 3** requires that anti-bird strike measures be incorporated into the new structure, which will be

predominantly glass-covered, so as to reduce the risk of impacts to endemic and migratory coastal birds that utilize the adjacent beach and bay areas. Finally, because Mission Beach is a very popular coastal area that has limited space for parking, **Special Condition No. 4** prohibits development activity during the peak summer season between Memorial Day weekend and Labor Day. **Special Condition No. 5** requires the applicant to address the existing violation stemming from the unpermitted resurfacing and restriping of the north parking lot and subsequent decrease in parking supply by resurfacing the north parking lot and restriping it within 90 days of Commission action on this permit, so as to restore the total parking supply to the previously existing 321 parking spaces.

4. On Page 6 of the staff report, add Special Condition 5:

5. Parking Lot Condition Compliance. WITHIN 90 DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT, or within such additional time as the Executive Director may grant for good cause, the applicant shall submit evidence that the north parking lot serving Belmont Park has been resurfaced and restriped so as to restore the total parking supply of the north and east parking lots to 321 parking spaces. Such development shall comply with the other prior-to-issuance conditions of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

5. On Page 7 of the staff report, the first full paragraph under “Project Description” shall be revised as follows:

The applicant proposes to demolish the existing approximately 48-ft. tall, 21,000 sq. ft. Plunge pool building [building 9] within the Belmont Park public amusement area in the Mission Beach community of San Diego. The structure would be replaced with a new structure of the same footprint and height. In addition, the project includes a new approximately 6,381 square foot interior mezzanine connected to the adjacent athletic facility [building 8]. In addition to the reconstruction of the Plunge pool building, the applicant is also repairing and restoring the Plunge pool inside the existing structure to conform to its historic design. The applicant is also proposing resurfacing and restriping of the north parking lot to restore the total parking supply to 321 parking spaces.

6. On page 9 of the staff report, the first full paragraph shall be revised as follows:

Mission Beach Park is bisected in such a manner that the approximately western half of the site is located within an area of the Commission’s original jurisdiction and the eastern half is located within the City of San Diego’s permit jurisdiction, the latter of which is also within the Commission’s area of appeal jurisdiction. The Plunge pool building is located in the western half of Belmont Park, within the Commission’s original jurisdiction. A portion of the north parking lot, where the restriping is proposed, is within the City’s jurisdiction. The City is aware of the proposed restriping and has agreed to the Commission processing the project as a

consolidated permit. Therefore, ~~because portions of the site are within the Commission's area of original jurisdiction and portions are within the City's permit jurisdiction, the Commission must review the amendment utilizing both the certified LCP and the Chapter 3 policies of the Coastal Act~~ are as the standard of review for this permit.

7. On Page 11 of the staff report, the following paragraph shall be added after the third full paragraph:

Subsequent to the publication of the staff report, Commission staff received a letter from a member of the public disputing the accuracy of the applicant's parking inventory stating that the parking supply was 321 spaces. In response, the applicant conducted a new field survey that revealed that the parking supply had indeed decreased to 298 parking spaces. The applicant subsequently explained that the parking survey submitted with the application was based on a field survey the applicant conducted in 2013, and that the applicant had believed no changes had occurred to the parking lots serving Belmont Park since that time. However, upon further investigation, the applicant claims that, unbeknownst to them, the property management company the applicant employs to oversee Belmont Park had at some point since 2013 resurfaced the north parking lot and restriped it with only standard-sized parking spaces, instead of the previous mix of standard-sized and compact-sized spaces that previously existed, causing the total number of parking spaces to decrease, without benefit of a coastal development permit. Revising the number of existing parking spaces is a change in intensity of use that requires a coastal development permit. The applicant has revised their project description so as to conduct new resurfacing and restriping of the north lot in order to restore the parking supply to 321 spaces. Thus, adequate parking to serve the development will be provided.

8. On Pages 14-15 of the staff report, the final paragraph shall be revised as follows:

Regarding public views and height, the majority of the City's coastal zone, including the Mission Beach community, is under a Coastal Height Overlay Zone in the certified LCP. This height limit incorporates a voter initiative from 1972 that imposes a 30-foot height limit on all development within the overlay zone. The proposed new structure would be 48 feet in height, the same as the existing building. When the current 48-foot high Plunge Building was reconstructed in the 1980's, it was to the same height as the structure it replaced. At the time of Commission review of the original 1986 CDP for Belmont Park, the City submitted a "Memorandum of Law" dated February 1, 1980, from the Office of the City Attorney that explains that zoning ordinances do not control or affect the action of the state of California or its political subdivisions (e.g. the City of San Diego) unless expressly included within the limitation, and that the initiator of the Proposition D height limit did not intend that City land be included within the scope of the 30-foot height limit. However, in any case, the Plunge pool building is located within the Commission's original jurisdiction, and thus Chapter 3 of the Coastal act is the standard of review for the development. ~~Thus, the 30-foot height~~

~~limit does not apply to the subject structure. The Commission's legal counsel has reviewed the legal memorandum and found its assertions to be valid.~~

9. On Pages 18-19 of the staff report, the final paragraph shall be revised as follows:

~~The subject site is located within the Mission Beach segment of the City of San Diego's certified LCP. The subject site is bisected in such a manner that the western half of the site is located within an area of the Commission's original jurisdiction and the eastern half is located within the City of San Diego's permit jurisdiction, the latter half of which is within the Commission's appeal jurisdiction. Because the Plunge pool building is located entirely within the western half of Belmont Park within the Commission's original jurisdiction, Chapter 3 of the Coastal Act is the standard of review, whereas the north parking lot is split jurisdiction being processed under a consolidated permit, with Chapter 3 of the Coastal Act being the standard of review and the certified LCP used as guidance. However, the applicant is amending a previously approved permit issued by the Commission prior to certification of the City's LCP. Therefore, because portions of the site are within the Commission's area of original jurisdiction and portions are within the City's permit jurisdiction, the Commission must review the amendment utilizing both the certified LCP and Chapter 3 policies of the Coastal Act as the standard of review.~~

10. On Pages 19 of the staff report, a new section shall be added as follows:

H. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without required coastal development permits, including resurfacing and restriping the north parking lot, causing a decrease in the total number of parking spaces serving Belmont Park. After discussion with Commission staff, the applicant has revised their project description to now propose resurfacing and restriping the north parking lot again to restore the previous total of 321 parking spaces. To ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition No. 5** requires that the applicant satisfy all conditions of its permit that are prerequisite to the issuance of this permit within 60 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Although development occurred prior to the submission of the permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act, with the certified LCP acting as guidance. Commission review and action on these permit applications does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a coastal permit.

11. Add Exhibit 5 – Public Comment Letter Regarding Parking

December 27, 2015

RECEIVED

JAN 04 2016

California Coastal Commission
7575 Metropolitan Dr. #103
San Diego, CA 92108

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Item - January agenda - 6-15-1251 Symphony Asset Pool

Dear Commission-

This concerns parking at Belmont Park. Your data states that there are 321 parking spaces available in their own lots. That is wrong. I counted 302 parking spaces. 77 in the eastern lot and 225 in the northern lot next to Hamels. I have done a employee count on a summer Sunday. I counted 161 employees with my eyes. I could not count administration, Plunge building including the gym, employees in the back (cooks, dishwashers, etc), security, etc. I included the list of employees.

I am going to guess there are another 14 people at least. If you had this agenda item 30 years ago I would think that a lot of employees live in the area. But now most of the units in Mission Beach have now become winter/summer rental or owner occupied. The days of people living year round in Mission Beach are limited. So almost all employees drive to Belmont Park. So 175 of the 302 parking spaces (58%) during a summer weekend are employees. Also notice your background information discussed retail and restaurants parking requirement. Notice you did not mention at least a person for each ride parking requirements plus all the stand alone retail booths.

I am a member of the Mission Beach Planning Group. I would have not supported there recent square footage expansion onto the roof top decks if I had know that they were not going to add the 100 parking space in the reconfigured city parking lot south of Belmont Park. That added parking was supported and voted and I thought that was part of the whole project. The developer get additional space and they create additional parking.

Growing up in San Diego I can remember going to the beach and then Belmont Park. But if you notice today person does not do both activities. You have one group using the restaurants and Belmont Park and the other group going to the beach. They seldom use both like 40 years ago. So parking is strained as you can tell by West Mission Bay Drive backed up on the weekends in the afternoon during the summer.

So I would oppose any more modification at Belmont Park until they come up with more PARKING.

Thank you,

Mike Meyer

Mike Meyer
714 Coronado Ct.
South Mission Beach 92109

EXHIBIT NO. 5

APPLICATION NO.

6-15-1251

Public Comment on
Parking

California Coastal Commission

People I observed and counted at 2 pm on Sunday June 22, 2014. working at Belmont Park

The total below adds up to 136..(not counting closed Cannonball, administration, ^{Plunge and gym.} people in the back. security,
Could be close to ~~two hundred.~~ 175-200

19 Draft

- 3 ice cream
- 2 Sea shell
- 10 North Shore Cafe
- 1 Cafe Calabria (coffee)
- 33 Wave House
- 3 San Diego Trading Company
- 2 Arcade
- 3 Roller Coaster
- 1 Little Dipper Fun Food
- 1 Double thing
- 1 Veticle
- 1 Merry Go Round
- 3 Roller Coaster ticket office
- 1 Hot Shot
- 1 Bob's Fishin Hole
- 1 Tilt a wheel
- 5 Sweet Shop
- 1 Crazy Submarine
- 2 T-shirt shop
- 3 Belmonty Burger
- 1 Hot Shot
- 2 Crepes
- 2 Games of the Midway
- 1 Adrenalize Zone rock climbing
- 1 Kettle Corn
- 1 Tilt a wheel
- 1 t-shirt/Sea shore
- 1 Cotton candy
- 1 Sunglasses/jewelry
- 1 hats
- 1 Bumper cars
- 4 Hot dog on a stick
- 1 Crazy cars
- 1 Octotron
- 2 Tiki town golf
- 2 Roller Coaster administration
- 2 Dole harness on rope walk
- 4 Sun Diego
- 1 Henna tattoo
- 3 Five Star Grill
- 6 Wings and Things
- 2 Beach and Resort wear/bike rental

Food

Ride

Ride

Booth

Carnival

Ride

Ride

Carnival

Food

Carnival

booth → ?

food

ride

booth

food

booth

booth

ride

½ outside carnival

ride

½ outside booth

9-6-15

Cannonball 22

Zipline at least 3

CALIFORNIA COASTAL COMMISSION

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Th17c

Filed: 11/19/15
180th Day: 5/17/16
Staff: A. Llerandi-SD
Staff Report: 12/11/15
Hearing Date: 1/14/15

STAFF REPORT: REGULAR CALENDAR

Application No.: 6-15-1251

Applicant: Symphony Asset Pool XVI, LLC

Agent: Paige Sims

Location: 3119 Oceanfront Walk, Belmont Park, Mission Beach, San Diego County (APN: 760-217-07)

Project Description: Demolish existing approximately 48-ft. tall, 21,000 sq. ft. Plunge pool structure [building 9] to construct a new approximately 21,000 sq. ft. Plunge pool structure in the same footprint and height, with a new approximately 6,381 sq. ft. interior mezzanine connected to a previously approved remodel of the adjacent athletic facility [building 8].

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed development with conditions. The applicant proposes to demolish the existing approximately 48-ft. tall, 21,000 sq. ft. Plunge pool building [building 9] within the Belmont Park public amusement area in the Mission Beach community of San Diego. The structure would be replaced with a new structure of the same footprint and height, with a new approximately 6,381 sq. ft. interior mezzanine connected to the adjacent athletic facility [building 8], which the Plunge pool serves. The

Plunge pool inside the existing structure would be repaired and rehabilitated to conform to its historic design.

The proposed demolition and construction raises certain issues with regards to nearby coastal resources. Belmont Park, and Mission Beach in general, is a popular coastal area for both residents and tourists, and development activity could displace public access through occupation of public parking or blockage of accessways, especially during the busy summer months. The size and height of the structure could impact public views of the coast, and its mostly-glass design could lead to an increase in incidents of bird strike. Finally, while the current iteration of Belmont Park was constructed in the 1980's, the architectural design of the current Plunge pool building, and Belmont Park in general, incorporates elements of the Spanish Eclectic/Colonial Revival design, which both creates a cohesive architectural theme for the park while paying homage to the prior Belmont Park recreation area. A redesigned Plunge pool building that veers too far from the overall design elements could adversely impact any historic element of the park and its community character.

To address these potential adverse impacts the Commission staff is recommending **Special Conditions 1, 2, 3, and 4**. **Special Condition No. 1** requires the applicant to submit to final construction plans that are in substantial conformance with the plans reviewed by the Commission to ensure that the as-built development will minimize anticipated impacts. **Special Condition No. 2** requires a construction staging and storage plan be submitted to ensure that the demolition and construction activities of the proposed development do not adversely impact public access by occupying public areas or impede pedestrian traffic between the public roads and the adjacent beach area. **Special Condition No. 3** requires that anti-bird strike measures be incorporated into the new structure, which will be predominantly glass-covered, so as reduce the risk of impacts to endemic and migratory coastal birds that utilize the adjacent beach and bay areas. Finally, because Mission Beach is a very popular coastal area that has limited space for parking, **Special Condition No. 4** prohibits development activity during the peak summer season between Memorial Day weekend and Labor Day.

Commission staff recommends **approval** of coastal development permit application 6-15-1251 as conditioned.

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APPENDICES

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EXHIBITS

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[Exhibit 2 – Aerial Photos](#)

[Exhibit 3 – Current Interior Photo](#)

[Exhibit 4 – Site Plans & Elevations](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-15-1251 subject to the conditions set forth in the staff recommendation.*

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

Resolution:

The Commission hereby approves coastal development permit 6-15-1251 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

This permit is granted subject to the following 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 of 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit final project plans to the Executive Director for review and written approval. Said plans shall first be approved by the City of San Diego and be in substantial conformance with the plans dated November 13, 2015, drafted by Pacifica Enterprises and submitted to the Coastal Commission on November 19, 2015.

The applicant 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

2. **Construction Staging and Storage Plan.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit to the Executive Director for review and written approval final construction staging and storage plans that avoid all use of public parking spaces for development work.

The applicant 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. **Bird-Safe Building Standards.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final project plans for the proposed development that are in compliance with bird-safe building standards for façade treatments, landscaping, lighting, and building interiors, as follows:

- a. Untreated glass or glazing may not compromise more than 35% of a building façade.
- b. Acceptable glazing treatments include: fritting, netting, permanent stencils, frosted, non-reflective or angled glass, exterior screens, decorative latticework or grills, physical grids placed on the exterior of glazing, ultraviolet patterns visible to birds or similar treatments.

- i. Where applicable, vertical elements within the treatment pattern should be at least 1/4" wide, at a maximum spacing of 4";
 - ii. Where applicable, horizontal elements within the treatment pattern should be at least 1/8" wide, at a maximum spacing of two inches 2"; and
 - iii. No glazing shall have a "Reflectivity Out" coefficient exceeding thirty percent (30%). That is, the fraction of radiant energy that is reflected from glass or glazed surfaces shall not exceed 30%.
 - c. Building edges of exterior courtyards and recessed areas shall be clearly defined, using opaque materials and non-reflective glass.
 - d. Trees and other vegetation shall be sited so as to avoid or obscure reflection on building facades.
 - e. Buildings shall be designed to minimize light spillage and maximize light shielding to the maximum feasible extent according to the following standards:
 - i. Nighttime lighting shall be minimized to levels necessary to provide pedestrian security.
 - ii. Building lighting shall be shielded and directed downward.
 - iii. Up-lighting and use of event "searchlights" or spotlights is prohibited.
 - iv. Landscape lighting shall be limited to low-intensity and low-wattage lights.
 - v. Red lights shall be limited to only that necessary for security and safety warning purposes.
 - f. Artificial night light from interior lighting shall be minimized through the utilization of automated on/off systems and motion detectors.
 - g. Avoid the use of "bird traps" such as glass courtyards, interior atriums, windows installed opposite each other, clear glass walls, skywalks, and transparent building corners.
- 4. Timing of Development.** No development activity may occur from Memorial Day Weekend through Labor Day of any year.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The applicant proposes to demolish the existing approximately 48-ft. tall, 21,000 sq. ft. Plunge pool building [building 9] within the Belmont Park public amusement area in the Mission Beach community of San Diego. The structure would be replaced with a new structure of the same footprint and height. In addition, the project includes a new approximately 6,381 square foot interior mezzanine connected to the adjacent athletic facility [building 8]. In addition to the reconstruction of the Plunge pool building, the applicant is also repairing and restoring the Plunge pool inside the existing structure to conform to its historic design.

B. PROJECT HISTORY

Mission Beach Park was originally developed in 1925 by John D. Spreckles, and included in its original construction the Plunge pool area. Buildings within Belmont Park were constructed in the Spanish Eclectic architectural style reflecting the motifs of the 1915 Pan American Exposition that was held in San Diego. Approximately 10 acres of the total 18.7 acre site was once the “Belmont Amusement Park” site. Over the years the site came into ownership by the City of San Diego as four separate parcels.

In 1973, the Plunge building and pool was designated by the City of San Diego’s Historical Resources Board (HRB) as having historic quality, and in 1984 the state Office of Historic Preservation determined that the entire Belmont site, then consisting mostly of the Plunge pool building, a roller rink, and the Giant Dipper roller coaster, were eligible for the National Register of Historic Places. However, while the Giant Dipper roller coaster was eventually listed on the National Register of Historic Places, neither the Plunge building or pool are listed.

In January, 1983, the Coastal Commission approved the Mission Beach Park General Development Plan. That plan called for retention of the entire Plunge building and also addressed retention of the roller rink building. The swimming pool portion of the Plunge building had remained operational throughout the years, but the roller rink building was not used at the time. The remainder of the site (excluding the roller coaster, which had been leased to the Save the Coaster Committee and was being restored) was designated for landscaping, parking, restrooms, lifeguard services, etc. The plan did allow for limited commercial uses within the existing Plunge building.

On November 15, 1984, the Coastal Commission approved the Mission Beach Precise Plan and Planned District Ordinance as Land Use Plan and Implementation Plan elements, respectively. The previous approval of the Mission Beach Park General Development Plan was not altered in that action.

In 1985, a project was locally approved by the city to demolish the historic Plunge building, maintain the pool, and demolish the roller rink. As part of the certified

Environmental Impact Report (EIR), mitigation required that the existing Plunge and roller rink buildings be professionally photographed and sketched, that important architectural features be incorporated in the subsequent reconstruction, and that signage be integrated into the project to educate the public regarding Belmont Park's history.

Subsequent to the City's approval, on September 10, 1986, the Coastal Commission approved CDP No. 6-86-396 for the Belmont Park site, located on 6.7 acres of the 18.7-acre Mission Beach Park. The CDP included the removal of the roller rink building and portions of the Plunge building, renovation and rehabilitation of the Plunge swimming pool, pool room, and existing restrooms and lifeguard facilities, and new construction of a variety of public and private improvements. A Plunge annex building (housing lockers, restrooms, a meeting room, and fitness center), additional restrooms, a beach police patrol room, parking lot restriping, bus stop upgrades, and construction of a pedestrian overpass over Mission Boulevard were all approved as public improvements. Private improvements included the construction of 70,000 square feet of leasable commercial area in seven buildings. The remaining 12 acres in the southern portion of the park, which includes the subject parking lot, were retained by the City to continue to serve as a parking lot and passive-use park, which had been approved by the Commission in CDP No. 6-82-543 on January 28, 1983 and issued the following month. All conditions of CDP No. 6-86-396 were satisfied and the permit was issued to the applicant in January, 1987.

In August, 2013, the Commission approved CDP Amendment 6-86-396-A12, authorizing the construction of three rooftop decks of 2,437 square feet, 3,992 square feet, and 4,993 square feet on existing Buildings 5, 7, and 8, respectively, and remodel and addition of approximately 1,467 square feet of interior space to the athletic facility in Building 8.

For several years the Plunge pool building has been deteriorating due to age, the elements, and other factors taking their toll, with the necessary funding to implement needed repair and maintenance not always being available. In the past, temporary measures, including placing netting under the interior roof scaffolding to catch falling debris, have been implemented in order to address safety hazards, and the pool has had to be periodically closed when new hazards would arise. Eventually, the deterioration reached a point where the pool had to be closed for an extended period, and the applicant began to explore options for more permanent repair and maintenance measures.

In 2014, the applicant began to cut exploratory holes in the walls of the Plunge building to better assess its current state and the amount of repair work needed to bring the current building into compliance with safety regulations. The initial assessment from the exploratory survey led the applicant to believe that only repair and maintenance would be needed to restore the existing Plunge building. However, once the interior paneling and sidewall were removed, the full extent of decay of the support structure was evident, and, coupled with the revelation that the roof was more corroded than originally thought, led the applicant to realize they would need to apply for a permit to demolish and reconstruct the Plunge pool building. Around this time, the applicant entered into lease renewal negotiations with the City, Belmont Park's landlord, to continue to operate Belmont Park.

The resulting lease extension required that the applicant restore the Plunge pool building at its own cost.

Mission Beach Park is bisected in such a manner that the approximately western half of the site is located within an area of the Commission's original jurisdiction and the eastern half is located within the City of San Diego's permit jurisdiction, the latter of which is also within the Commission's area of appeal jurisdiction. The Plunge pool building is located in the western half of Belmont Park, within the Commission's original jurisdiction. Therefore, because portions of the site are within the Commission's area of original jurisdiction and portions are within the City's permit jurisdiction, the Commission must review the amendment utilizing both the certified LCP and Chapter 3 policies of the Coastal Act as the standard of review.

C. PUBLIC ACCESS

The following Coastal Act policies are most pertinent to this issue, and state in part:

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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 of the Coastal Act states, in part:

- (a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

[...]

- (c) *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

[...]

Section 30604 of the Coastal Act states, in part:

[...]

- (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 Beach is one of the most heavily used public beach areas in the City of San Diego. The community includes a large number of beach cottages and multi-family residences, and many residents are short-term vacationers, especially during the summer. Besides the permanent and temporary residents, many of whom come from out of state, the area is also a popular day-use destination for San Diego County residents. Because people come from both within and outside the community, and much of the local population is somewhat transient, all forms of access (pedestrian, private vehicle, and public transit) must be considered in this project.

Mission Beach Park, in which Belmont Park is located, is one of the largest pieces of public land adjacent to the ocean within the urbanized part of San Diego. Belmont Park is located between the first road and the sea, with the Mission Beach Boardwalk and beach abutting the property to the west, open grassy area and public parking lots to the south and east, and visitor commercial and residential along the north. The Coastal Commission, in approving the original underlying CDP No. 6-86-396, applied the Beach Impact Area (BIA) parking standards certified in the land use plans for the surrounding beach communities. These standards require 1 parking space for every 200 gross square feet of restaurant (including outdoor eating areas) and 1 parking space for every 400 gross square feet of retail commercial (or take-out food services with no seating area). In approving the original development, the Commission explicitly exempted the Plunge building and the attached athletic facility from the parking requirements. All on-site parking at Belmont Park is required by the CDP to be

maintained free of charge on a first-come, first-serve basis, regardless of whether the visitors are going to Belmont Park or the adjacent beach.

When Belmont Park was first approved by the Commission, the total number of parking spaces provided on-site was 366, located in a northern lot and an eastern lot adjacent to the Giant Dipper roller coaster within the leasehold area. However, over the years the addition of trash enclosures and dedication of parking for the adjacent life guard station reduced the total number to 321 spaces. This current supply is divided between the 251 spaces in the north lot and the 70 spaces in the east lot (the parking lot south of Belmont Park, while used by many visitors to Belmont Park, is not included in the leasehold and does not count towards any of the on-site parking supply).

While the original underlying CDP No. 6-86-396 did also permit the restriping of the public parking lot across Mission Boulevard at Bonita Cove so as to add 200 additional off-site parking spaces, the Commission did not count this parking towards the total parking the development needed to provide for the on-site uses. This is because these are public lots, and restriping to gain additional spaces is an option the City can exercise at any time. At most, the 200 additional spaces were treated as partial mitigation for the traffic impacts the construction of Belmont Park would bring.

The proposed project includes approximately 6,381 square feet of new mezzanine area within the reconstructed Plunge building, which will be tied into both the pool area and the adjacent athletic facility. After discussions with Commission staff, the applicant conducted an updated survey of the current amount of leasable space within Belmont Park and the number of parking spaces that total leasable space requires under the underlying permit's aforementioned restaurant/retail parking formula. The applicant's survey found that the total leasable interior square footage and roof decks tied to specific leaseholds totaled approximately 106,834 square feet of restaurant and retail. This total excludes the original 21,000 sq. ft. of the Plunge building approved the 1986 permit, public areas such as restrooms, and storage rooms not tied to any leasehold. While CDP No. 6-86-396 specifically exempted the Plunge pool building and adjacent athletic center from the parking requirements of the CDP, subsequent additions to either building have not been found to be exempt from the parking requirement. Thus, from the 106,834 square feet of leasable space that would be required to provide parking, the original athletic facility's approximately 11,706 square feet is subtracted, and thus the total leasable square footage requiring parking is approximately 95,137 square feet: 29,721 square feet of restaurant and 65,416 square feet of retail. Applying the restaurant and retail ratios to the current makeup of businesses produces a parking requirement of $29,721/200 = 148.6$ and $65,416/400 = 163.5$, for 312 parking spaces, 9 spaces less than the 321 spaces currently available on-site. Thus, sufficient parking to accommodate the proposed expansion is available, and no impacts to public beach parking are expected.

In addition to being a destination itself, Belmont Park serves as a flow through area for visitors to the surrounding parks and beaches. Many people walk through Belmont Park to access the north, south, or east parking lots, or to reach the boardwalk and beach. The proposed replacement Plunge building will not impede this flow through any more than

the existing building, as it will be constructed in the same footprint as the existing structure.

Regarding traffic, Mission Beach is a narrow strip of land extending as a peninsula from the community of Pacific Beach in the north to the entrance of Mission Bay to the south. The community is accessed from Pacific Beach to the north or by West Mission Bay Drive from the east. The only major north-south road is Mission Boulevard, which bisects the peninsula, and the only major intersection is where Mission Boulevard meets West Mission Bay Drive, at the northeast corner of Belmont Park.

Traffic circulation in the Mission Beach community has always been strained, especially in the peak summer months. In past decades the San Diego Police would have to close parts of the area to traffic once capacity was reached. While subsequent traffic improvements have partially alleviated the pressure, the level of service of the adjacent intersection of Mission Boulevard and West Mission Bay Drive is still chronically impacted. For this reason, past amendments for new development within Belmont Park have been required to address the issue of increased intensity of use and whether new improvements would significantly increase the number of vehicle trips into the area as well as the potential adverse impacts such development may have on traffic circulation in this near shore, visitor-destination area.

The proposed project would increase the amount of leasable square footage in Belmont Park, in this case the athletic facility. Regardless of having sufficient on-site parking spaces, this expansion represents an increase in intensity of uses that would likely increase the number of vehicle trips that enter the community. As traffic flow is already constrained due to the competing demands of residents, beach goers, and Belmont Park patrons, substantial increases in intensity of use should also address transportation demand so as to not impede public access to surrounding coastal resources. What would greatly help address this concern is the provision of a public shuttle which could utilize parking lots out of the area and then shuttle visitors to the park area. A shuttle is beyond the scope of this project, but should be looked at in the future. For the time being, Belmont Park utilizes other measures to encourage alternate transport, such as providing bicycle parking and, pursuant to other CDPs, requiring tenants to provide incentives to employees to carpool or take alternate transit.

To mitigate potential impacts to public access, **Special Condition No. 1** requires the applicant to submit and adhere to final approved plans so as to ensure that development will install the approved amount of square footage which the Commission has determined can be supported by existing on-site parking. **Special Condition No. 2** requires the applicant to submit a construction access and staging plan to ensure that construction material and workers will not adversely affect public access by occupying public areas and parking spaces. Finally, **Special Condition No. 4** prohibits the permitted from conducting the approved development during the busy summer tourist season between Memorial Day weekend and Labor Day, when impacts to public access would be highest.

In summary, the Commission finds the proposed demolition and reconstruction of the Plunge pool building will not result in adverse impacts to public access. The expanded

square footage will have sufficient parking provided for while alternative transportation will be encouraged among employees of the permittee and its lessees; no development will occur during the busy summer tourist season and approved construction plans will ensure that development does not consume public space. Therefore, the Commission finds that all public access concerns associated solely with development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

D. VISUAL RESOURCES/COMMUNITY CHARACTER

Section 30251 of the Act addresses scenic and visual qualities, 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 public views to and along the ocean and scenic coastal areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In conformance with this policy, the certified Mission Beach Precise Plan states in its Community Plans Element the following goals:

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

To identify and preserve those features that are conducive to the attractiveness of Mission Beach.

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

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

Belmont Park is in a visually prominent setting, located at the very heart of Mission Beach at the main intersection where the public first enters the community, within a city-owned public park that abuts the beach. When the current development in Belmont Park was approved by underlying CDP No. 6-86-396, the City required at that time that all the new structures be designed to coordinate with the architectural style of the then existing Plunge building (Spanish Eclectic/Colonial Revival), and additionally that, to the extent feasible, all architectural embellishments from the demolished buildings be reused or casting be made. However, the Commission at that time noted that specific design features are not generally a Coastal Act issue, except as they relate to the conformity of new development with the surrounding neighborhood. Nevertheless, as part of the

Belmont Park project approved under that original 1986 CDP, the original Plunge building was demolished and reconstructed, incorporating the Spanish Eclectic/Colonial Revival architecture style of the original building, as did the seven new buildings surrounding the Plunge (the demolished roller rink was never replaced).

In 2004, the Commission, in approving CDP Amendment No. 6-86-396-A6, permitted the entire demolition and removal of Building 6, which like the other buildings, mimicked the Plunge's Spanish Colonial Revival architecture and replacement with an open-air restaurant and wave machine recreational area. The new use and structure were not required to incorporate Spanish Revival Architecture features.

While the proposed replacement Plunge pool building will be the same size and location as the existing building, the building design is substantially different in many respects from the existing building. Namely, whereas the current structure has a predominantly stucco façade with large arched windows on the sides, the proposed structure will be predominantly enclosed in glass paneling, with a glass retractable roof that can open to the sky above.

Because of the city's past involvement in the architectural design of the Plunge building, Commission staff recommended that the applicant coordinate the design of the proposed replacement structure with the City's Historical Resources Board. In a letter dated November 19, 2015, the HRB reviewed the project thought its Design Assistance Subcommittee for consistency with the U.S. Secretary of the Interior's Standards, and requested modifications to the parapet of the new building and recommended the inclusion of arches as a design feature in the replacement building design. The existing arched windows were previously reconstructed with the current Plunge building as mitigation for the demolition of the original Plunge building in the 1980's. The applicant resubmitted updated project plans approved by the HRB that feature modest horizontal bands at the parapet and tripartite arches on the northern face and a singular arch on the east and west sides. Thus, given that the project design has been revised to incorporate the elements required by the HRB to incorporate the historical architectural characteristics of the previous Plunge structures, the Commission finds that the revised project design is consistent with both the above-cited Coastal Act and LCP policies governing protection of visual quality and community character.

Regarding public views and height, the majority of the City's coastal zone, including the Mission Beach community, is under a Coastal Height Overlay Zone in the certified LCP. This height limit incorporates a voter initiative from 1972 that imposes a 30-foot height limit on all development within the overlay zone. The proposed new structure would be 48 feet in height, the same as the existing building. When the current 48-foot high Plunge Building was reconstructed in the 1980's, it was to the same height as the structure it replaced. At the time of Commission review of the original 1986 CDP for Belmont Park, the City submitted a "Memorandum of Law" dated February 1, 1980, from the Office of the City Attorney that explains that zoning ordinances do not control or affect the action of the state of California or its political subdivisions (e.g. the City of San Diego) unless expressly included within the limitation, and that the initiator of the Proposition D height limit did not intend that City land be included within the scope of the 30-foot height limit.

Thus, the 30-foot height limit does not apply to the subject structure. The Commission's legal counsel has reviewed the legal memorandum and found its assertions to be valid.

Views westward from Mission Boulevard towards the ocean are currently obstructed by Belmont Park and its related services (i.e. the roller coaster and other attractions). The Plunge building is approximately 48 feet in height, while the surrounding buildings are approximately 30 feet at their highest point. Due to their close proximity to each other, the buildings already effectively block any views westward from the parts of Mission Boulevard east of Belmont Park. Additionally, the roller coaster, while supported by a somewhat open wooden latticework, also substantially obstructs westward views. The proposed design of the reconstructed Plunge pool building would be 40 feet high at the parapet, with the remaining 8 feet in height coming from the angled retractable roof. The applicant's engineer stated that the retractable roof had to be angled, as opposed to flat, because with the retracting roof panel opening from one side to the other, the panel that opens is higher than the adjacent fixed glazing. To ensure that water falling on the roof will shed off the roof and avoid the possibility of wind driving rain past the bottom gaskets, it is important to have a proper slope on the roof. In a double slope application such as the proposed roof design, it is desired to have at least an 11.76-degree angle, but with a curved roof, the height can be a little less. Because the reconstructed Plunge pool building will be the same height and location within the developed footprint of Belmont Park, it is not anticipated to impact public views any more than the current Plunge pool building.

Because the plans submitted at this time are preliminary, **Special Condition No. 1** requires the applicant to submit and adhere to final approved plans consistent with the submitted plans to ensure that development does not have any adverse visual impacts.

In summary, the Commission finds the demolition and reconstruction of the Plunge pool building will not result in adverse impacts to visual resources and community character. While the reconstructed building will be significantly different architecturally from the existing structure, the adherence to the design modification of the City's HRB will ensure that it incorporates architectural features that tie the structure into both the rest of Belmont Park as well as its history, and its identical siting will ensure that no new adverse impacts to public views arise. Therefore, the Commission finds that all visual resource concerns associated solely with development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

E. BIOLOGICAL RESOURCES

Section 30240 of the Coastal Act states:

(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.

While the project site is not considered an environmentally sensitive habitat area (ESHA), the site is located on the narrow Mission Beach peninsula, in close proximity to the Pacific Ocean and Mission Bay Park [Exhibit 1]. The proposed development (up to approximately 45 feet in height) is located close to these two areas used by a variety of coastal birds. Furthermore, the site is approximately a half-mile from a designated California Least Tern nesting area at the tip of Mariner's Point. Listed under the Federal and California State Endangered Species Acts since 1972, the California least tern (*Sternula antillarum browni*, "tern") is a migratory bird species that prefer to nest in small, scattered clusters on natural or artificial open areas near estuaries, bays, or harbors where small fish are abundant. The City of San Diego has indicated in the past that of the various designated Least Tern nesting sites within Mission Bay Park, the Mariner's Point site is the most successful.

Development adjacent to public land and coastal waters must be designed to prevent impacts which would significantly degrade the area, so that it is compatible with the continuance of the habitat, as required by Section 30240 of the Coastal Act. Section 30240 of the Coastal Act applies to the proposed project because of the threat of day and night collisions with the proposed Plunge pool building for both migrating and non-migrating birds.

Urban sprawl and intensified urbanization have eliminated and/or degraded bird habitat around the globe; most development is concentrated along rivers, woodlands, coasts, and wetlands that birds depend on for food and shelter. Loss of habitat squeezes birds into urbanized areas where they encounter novel man-made structures. Modern urban buildings that have clear glass or reflect light during the day and are lit up at night, as well as suburban and rural buildings with windows and reflective surfaces, can present serious hazards for birds. Bird populations, which have declined from loss of habitat, are seriously threatened by the growing presence of man-made structures within their transit and migratory flight space.

Over three decades of research has documented that buildings and windows are the top killer of birds in North America^{1,2,3,4}. In the United States, an estimated 100 million to

¹ Banks, R. 1979. Human Related Mortality of Birds in the United States. USFWS. Special Scientific Report-Wildlife No. 215.

² Ogden, L. September, 1996. Collision Course: The Hazards of Lighted Structures and Windows to Migrating Birds. A Special Report for the World Wildlife Fund, Canada and the Fatal Light Awareness Program.

³ Hager, S.B., H. Trudell, K.J. McKay, S.M. Crandall & L. Mayer. 2008. Bird Density and Mortality at Windows. The Wilson Journal of Ornithology. Vol. 120 (3): 550-564.

⁴ Gelb, Y. & N. Delacretaz. 2009. Windows and Vegetation: Primary Factors in Manhattan Bird Collisions. Northeastern Naturalist, Vol. 16(3): 455-470.

one billion birds perish each year from encounters with buildings^{5,6}. This level of bird mortality is believed to be significant enough to impact the viability of bird populations, leading to local, regional, and national declines. Bird injury or death is primarily due to two factors: 1) the apparent inability of birds to detect and avoid glass and reflective surfaces, during the day or night, and 2) the potential for artificial night lighting to attract and/or entrap foraging or migrating bird species.

Collisions resulting in injury or death occur anywhere that birds and windows and reflective surfaces coexist because birds do not perceive glass as an obstacle during flight or are attracted to reflections they perceive as sky or natural habitat. Daytime building collisions occur on windows and reflective surfaces of all sizes on all building types, from single-story buildings to sky scrapers; during all seasons and weather conditions; and in every type of environment, from rural and suburban settings to dense city centers. A building's threat to birds increases substantially when its windows or glass reflects nearby trees, bushes, or other potential bird habitat. Window and reflective surfaces in buildings are indiscriminate killers of birds regardless of species, size, age, sex, or migration characteristics and patterns. The amount of windows and reflective surfaces in a building is the strongest predictor of how dangerous it is to birds and most collisions end in the death of the bird, either immediately or soon after from brain injuries or predation.

Two characteristics of reflective or glazed surfaces and glass contribute to birds' inability to see them: reflection and transparency. Reflections of the sky and vegetation look no different to a bird than the real thing and lure in birds resulting in collisions. The reflective property of a surface material is referred to as reflectivity. Reflectivity is a measurement of how reflective a material is; it is a measure of the intrinsic reflectance of the surface of a material. A material's reflectivity can be reduced several ways including application of anti-reflective (AR) coatings or permanent stencils, and fritting or frosting. Transparent glass is invisible to birds which collide with the glass as they attempt to fly through it toward potential perches, prey items, and other attractions inside and beyond the glass. Transparency is exacerbated in buildings with significant amounts of clear glass that have plant decorated lobbies, interior atriums, windows installed opposite each other, glass balconies, and glass corners because birds perceive such conditions as unobstructed flyways.

A number of factors contribute to a building being a hazard for birds. The factors that should be considered when determining whether to require bird safe building practices include: 1) location of the building in relation to recognized migration corridors or flyways; 2) proximity of the building to open terrestrial and aquatic foraging areas – parks, forests, rivers, streams, wetlands and ocean; 3) proximity of the building to documented stopover or roosting locations; and 4) regions prone to haze, fog, mist, or low-lying clouds. Researchers have found that combination of building characteristics,

⁵USFWS. January 2002. Migratory Bird Mortality: Many Human-Caused Threats Afflict Our Bird Populations.

⁶ Klem, D. February 2009. Avian Mortality at Windows: The Second Largest Human Source of Bird Mortality on Earth. Proceedings of the Fourth International Partners in Flight Conference: Tundra to Tropics. 244-251.

coined, “bird-hazards,” present the greatest threat to birds. These characteristics include buildings located within or immediately adjacent to open spaces with lush landscaping and with a façade of more than thirty-five percent (35%) glazing; buildings located adjacent to or near wetlands or open water and with a façade of more than thirty-five percent (35%) glazing; and buildings with ‘bird traps’ such as glass courtyards, transparent building corners, and glass balconies.

It is possible to design buildings so they are less hazardous to birds by implemented bird safe building practices. Several major cities including Toronto⁷, San Francisco⁸, Chicago⁹, and New York¹⁰, have developed bird safe building guidelines, and a number of buildings in these cities have employed bird safe building practices. Bird safe building practices include specific treatments and design considerations for windows and glazed surfaces, lighting, and landscaping. Employment of these practices is proving effective; for instance, Swarthmore College renovated its Unified Science Center building using glass with a ceramic frit matrix and has measured a significant reduction in bird strikes¹¹.

The proposed project is characterized by several of the factors that contribute to buildings being collision hazards for birds. The site’s proximity to the Pacific Ocean and Mission Bay Park, both areas that support numerous coastal bird species, is the main factor. In addition, the area is prone to fog and mist during summers and is also located within the Pacific Flyway, a primary migratory route for birds along the western coast of the United States. Finally, the current Plunge pool building, while containing large arched windows two stories in height, has a substantial stucco exterior. The proposed replacement Plunge building will be predominantly covered with glass paneling, including a retractable glass roof. In order to reduce potential for bird strikes, the new structure shall be required to provide bird-safe building treatments, incorporated as **Special Condition No. 3**.

Windows shall be comprised of non-glare glass and glazing treatments shall be consistent with the standards provided for within the condition.

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

⁷ City of Toronto. March 2007. Bird Friendly Development Guidelines. City of Toronto Green Development Standard (www.toronto.ca/lightsout/)

⁸ Ibid. October 2010. City of San Francisco

⁹ City of Chicago. Design Guide for Bird-Safe Buildings: New Construction and Renovation.

¹⁰ Brown, H., S. Caputo, E.J. McAdams, M. Fowle, G. Phillips, C. Dewitt, & Y. Gelb. May 2007. Bird Safe Building Guidelines. New York Audubon (www.nycaudubon.org).

¹¹ Grasso-Knight. G. & M. Waddington. Spring 2000 Report on Bird Collisions with Windows at Swarthmore College.

half is located within the City of San Diego's permit jurisdiction, the latter half of which is within the Commission's appeal jurisdiction. However, the applicant is amending a previously-approved permit issued by the Commission prior to certification of the City's LCP. Therefore, because portions of the site are within the Commission's area of original jurisdiction and portions are within the City's permit jurisdiction, the Commission must review the amendment utilizing both the certified LCP and Chapter 3 policies of the Coastal Act as the standard of review.

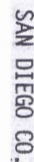
The project site is currently zoned "OS" for Open Space and the plan designation is Public Park in the certified Mission Beach Precise Plan and Planned District Ordinance. According to the Mission Beach Land Use Plan (Precise Plan), where the City finds it appropriate, commercial-recreation uses can be found consistent with the park designation. Therefore, the Commission finds that approval of the amendment, as conditioned, should not result in any adverse impacts to coastal resources nor prejudice the ability of the City of San Diego to continue to implement its fully-certified LCP for the Mission Beach area.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 City of San Diego was the lead agency for the purposes of CEQA and found the proposed development to be a statutorily exempt ministerial project under Section 15268. 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 final construction plans, staging and storage plans, bird-strike aversion measures, and project timing will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS



Vicinity Map



1994

© 2015 Google

Imagery Date: 4/14/2015 32°46'06.08" N 117°14'53.70" W elev 1 ft

Google

EXHIBIT NO. 2
APPLICATION NO.
6-15-1251
Aerial Photos
California Coastal Commission

Go gle Maps

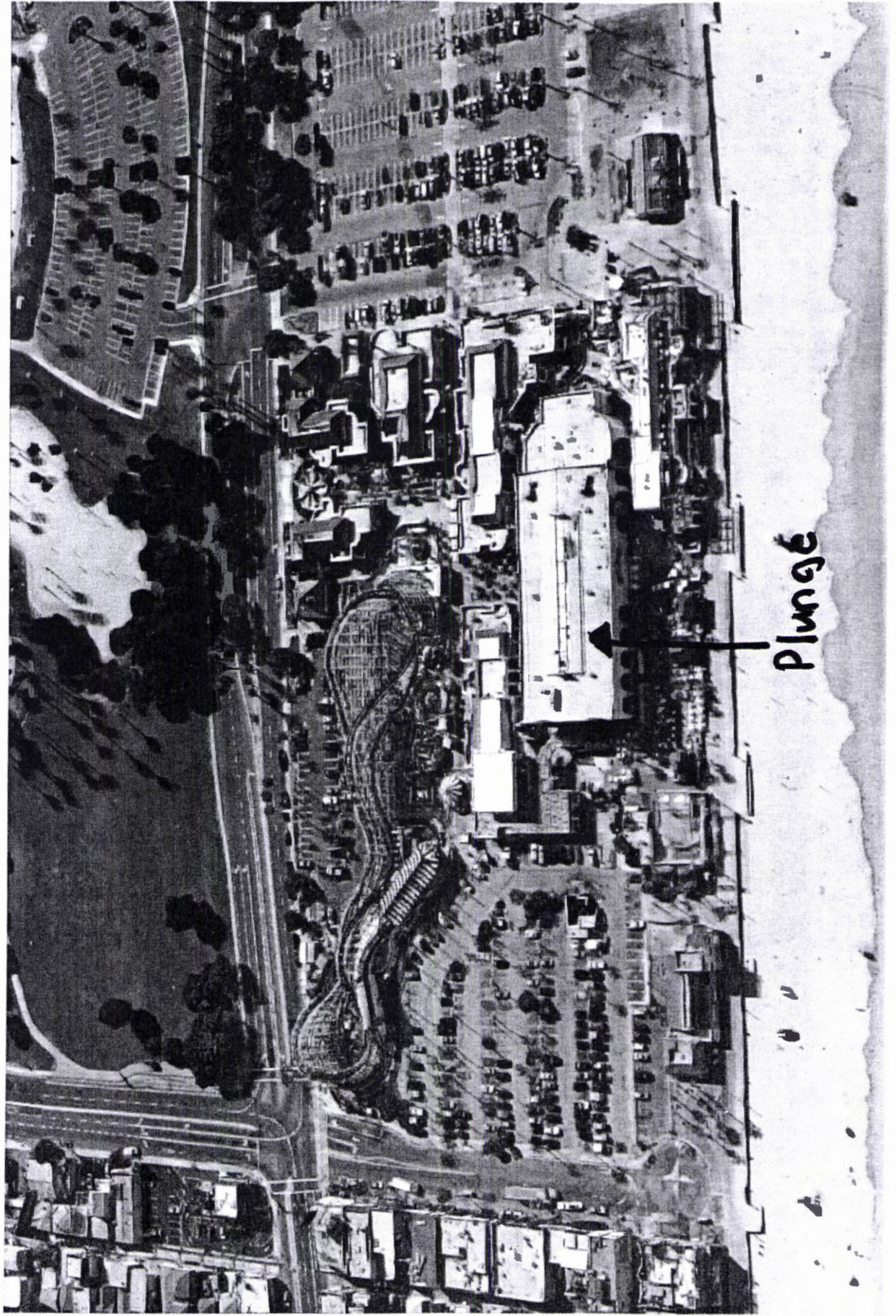
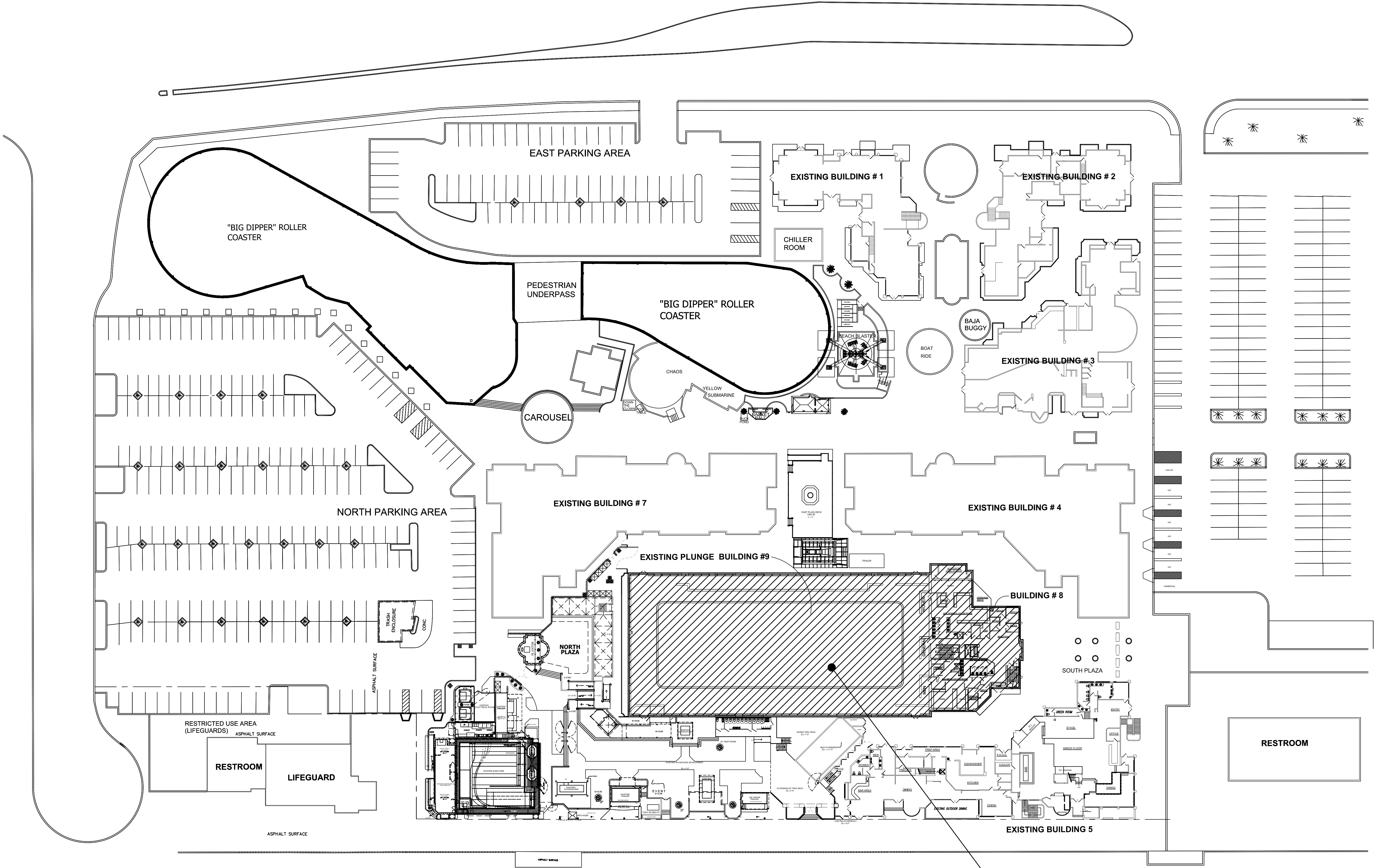




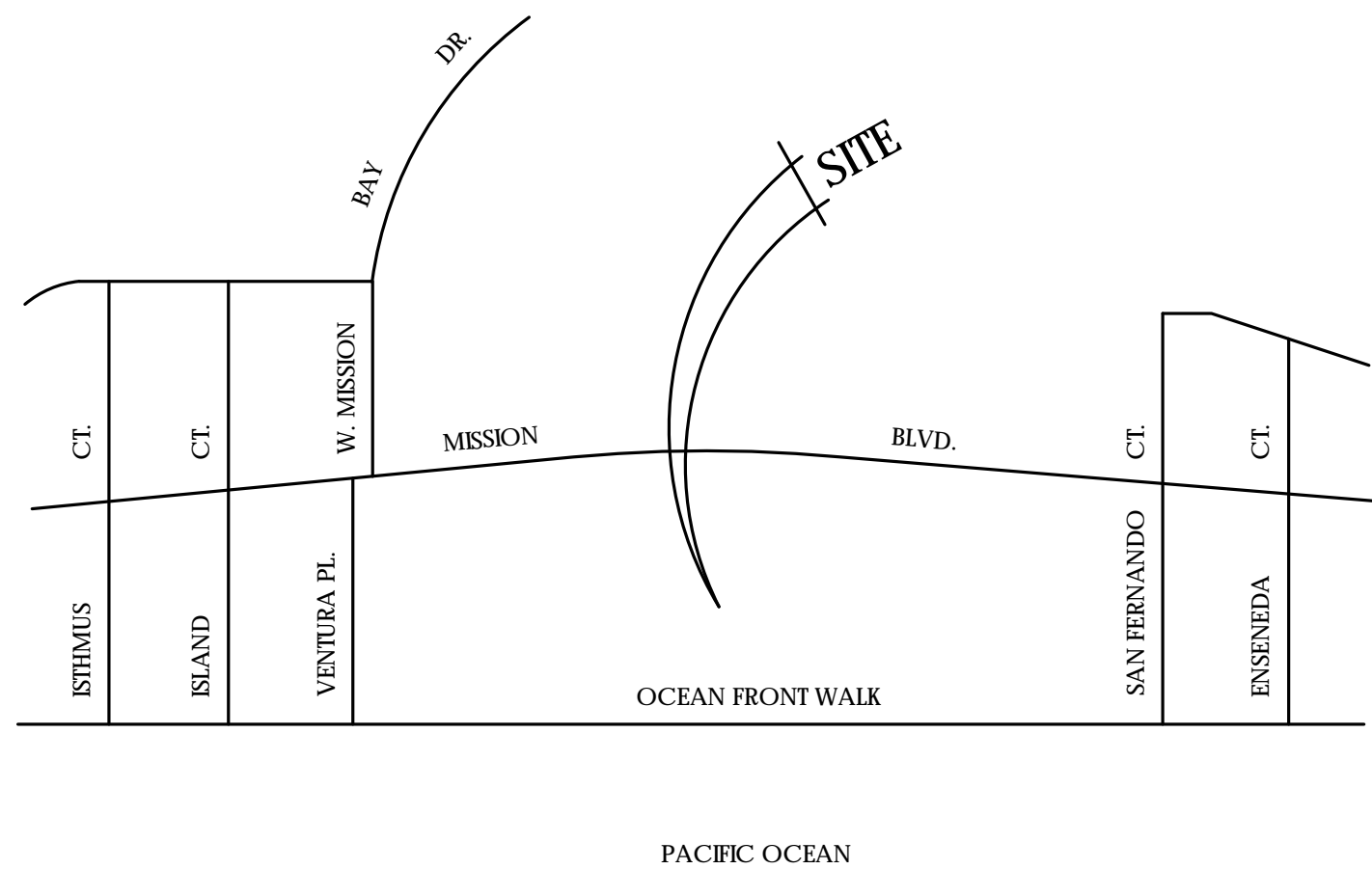
EXHIBIT NO. 3

APPLICATION NO.
6-15-1251

Interior Photo



1 SITE PLAN
SCALE: 1/32" = 1'-0"



LEGAL DESCRIPTION & APN
THAT CERTAIN REAL PROPERTY IN PUEBLO LOT 1803 OF THE PUEBLO LANDS OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1809 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 13, 1924 BEING A PORTION OF THE UNNUMBERED TRACT LYING BETWEEN THE NORTHERLY LINE OF SAN FERNANDO PLACE AND THE SOUTHERLY LINE OF VENTURA PLACE AS SHOWN ON SAID MAP.
A.P.N.: 760-217-07-00

ZONE
CV-1-1

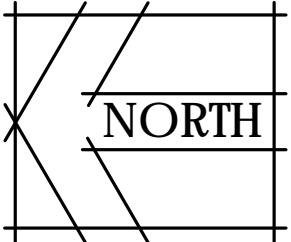
OWNER / APPLICANT

LEASE HOLDER & APPLICANT
PACIFICA REAL ESTATE SERVICES, INC.
5505 CANCHA DE GOLF
RANCHO SANTA FE CA 92091
858.755.0216

PROPERTY OWNER
CITY OF SAN DIEGO

PROJECT SUMMARY
EXTERIOR RENOVATION OF THE PLUNGE POOL ENCLOSURE (FORMER BUILDING 9) AND HEALTH CLUB (FORMER BUILDING 8)

SITE ADDRESS
3105 OCEAN FRONT WALK
SAN DIEGO, CA



LEGEND

INTERIOR PARTITION WALL

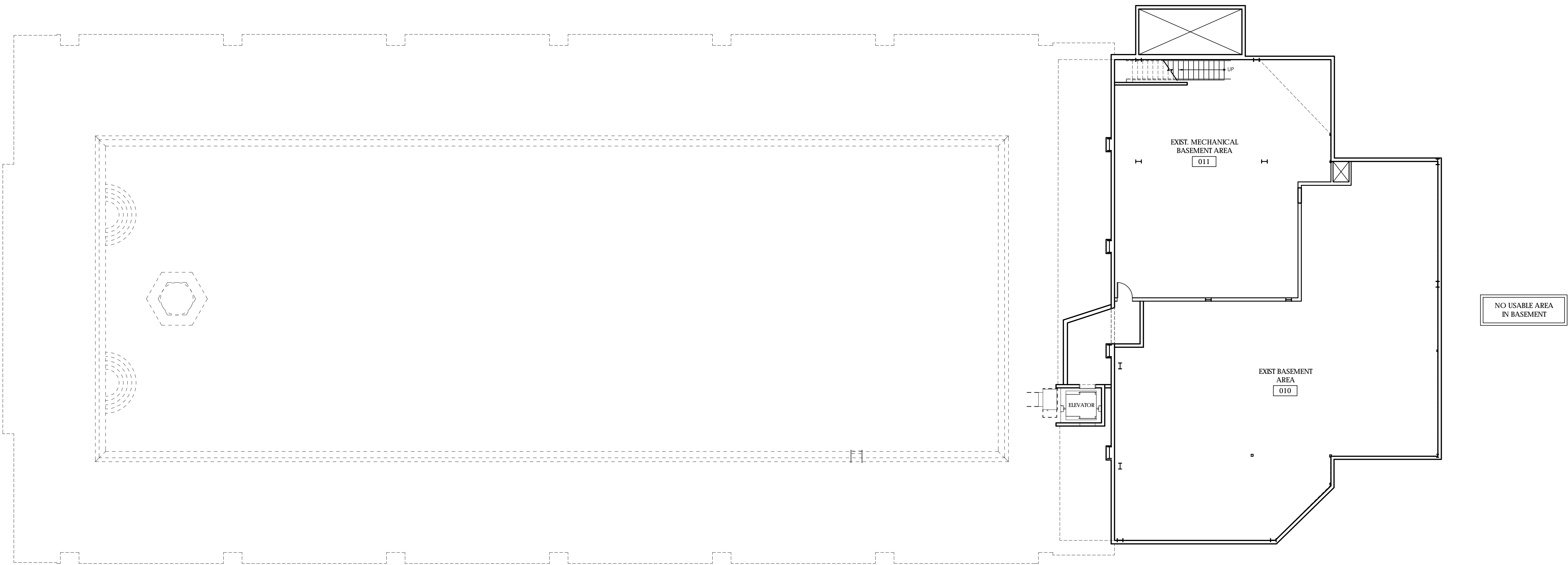
STRUCTURE / MILLWORK ABOVE

JULES WILSON ID

JULESWILSON-ID.COM

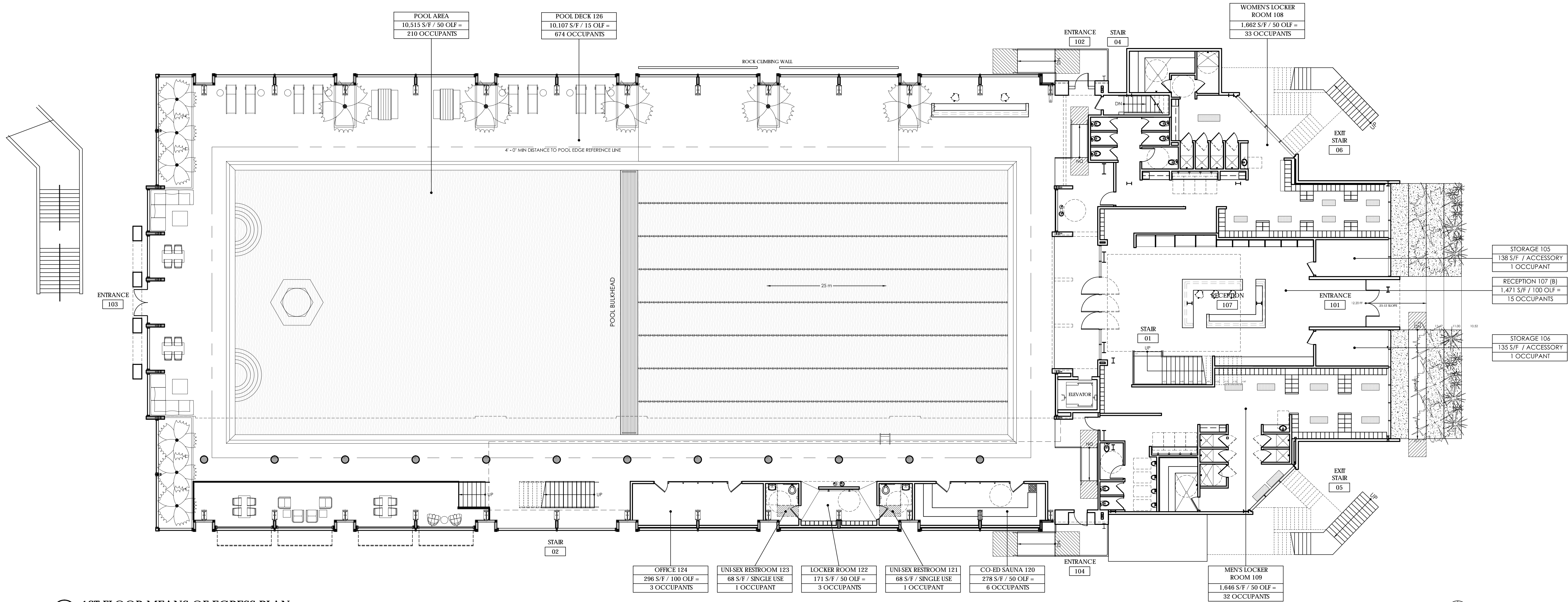
TEL 619 546 4930

1050 G STREET SD CA 92101



1 BASEMENT MEANS OF EGRESS PLAN

scale 3/32" = 1'-0"



2 1ST FLOOR MEANS OF EGRESS PLAN

scale 3/32" = 1'-0"

FIT - MISSION BEACH

BELMONT PARK

3746 MISSION BLVD.

SAN DIEGO, CA 92109

ISSUE DATE
11.24.2015

ARCHITECTURAL
HAND-OFF PACKAGE

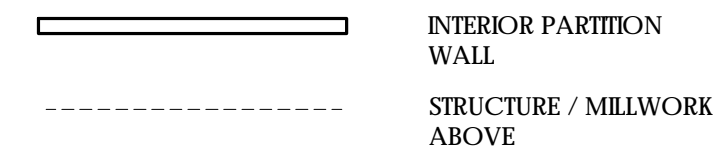
PHASE

REVISIONS

BCJ, OP, CC,

18604

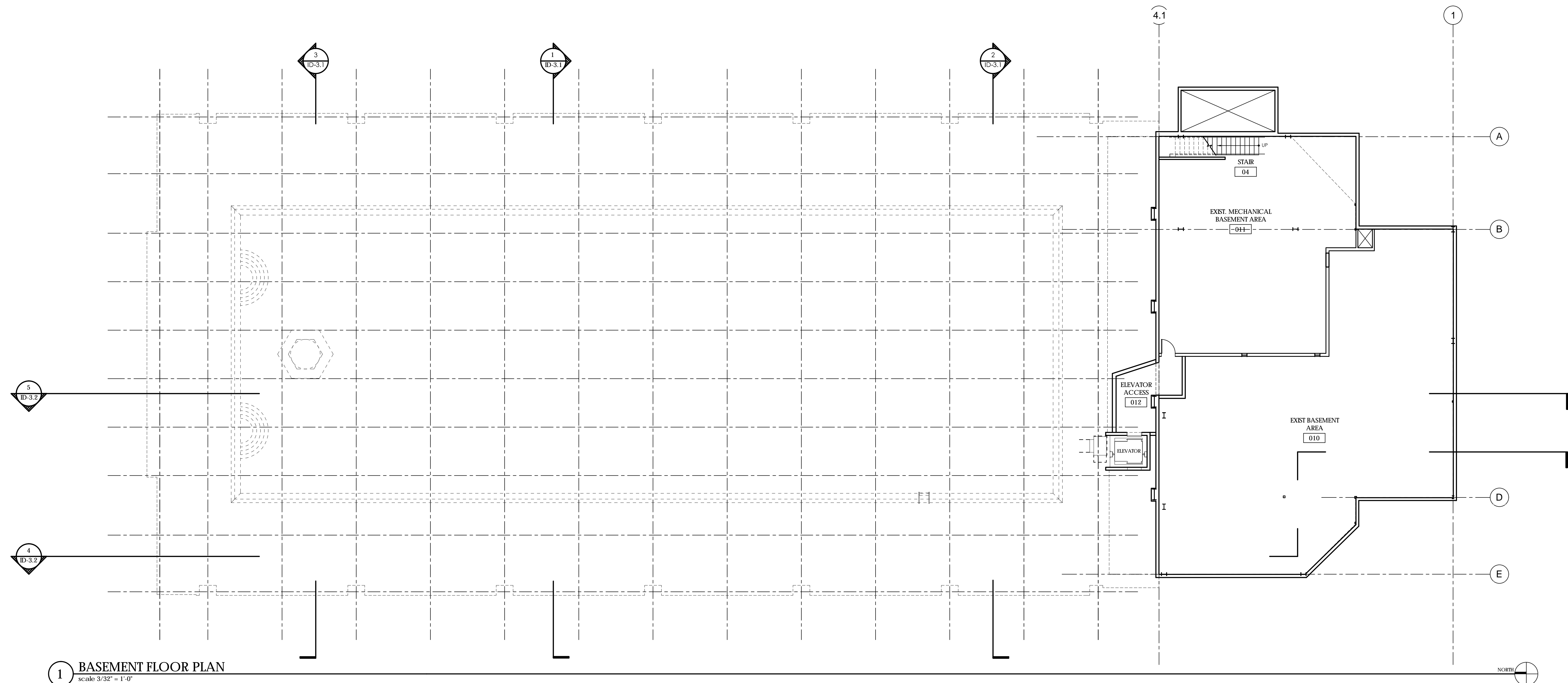
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MEANS OF EGRESS PLAN



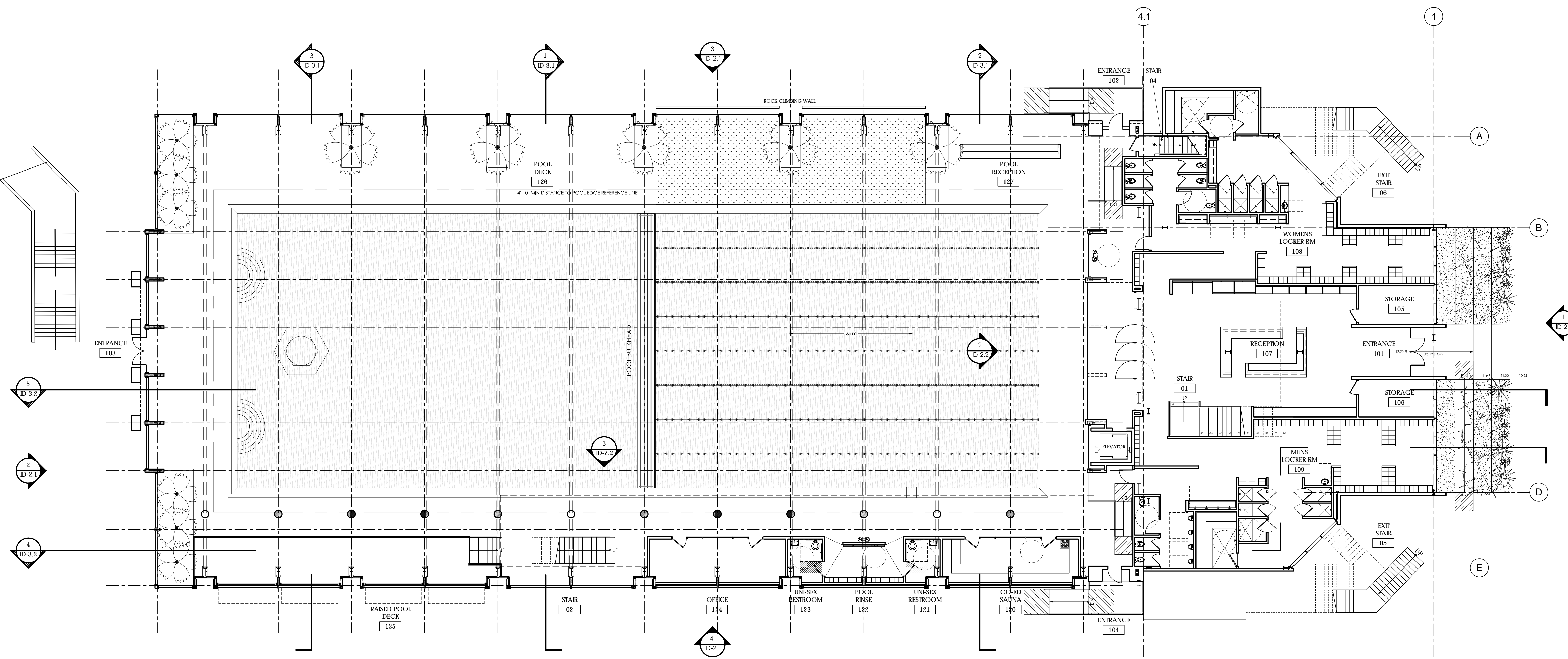
3 LOWER MEZZANINE & 2ND MEANS OF EGRESS PLAN
scale 3/32" = 1'-0"



4 UPPER MEZZANINE & ROOF MEANS OF EGRESS PLAN
scale 3/32" = 1'-0"



1 BASEMENT FLOOR PLAN
scale: 3/32" = 1'-0"



2 1ST FLOOR PLAN
scale: 3/32" = 1'-0"

LEGEND	
	INTERIOR PARTITION WALL
	STRUCTURE / MILLWORK ABOVE
	KEYNOTE SYMBOL - REFER TO KEYNOTES BELOW
	FINISH TAG
	ELEVATION TAG
	SECTION TAG

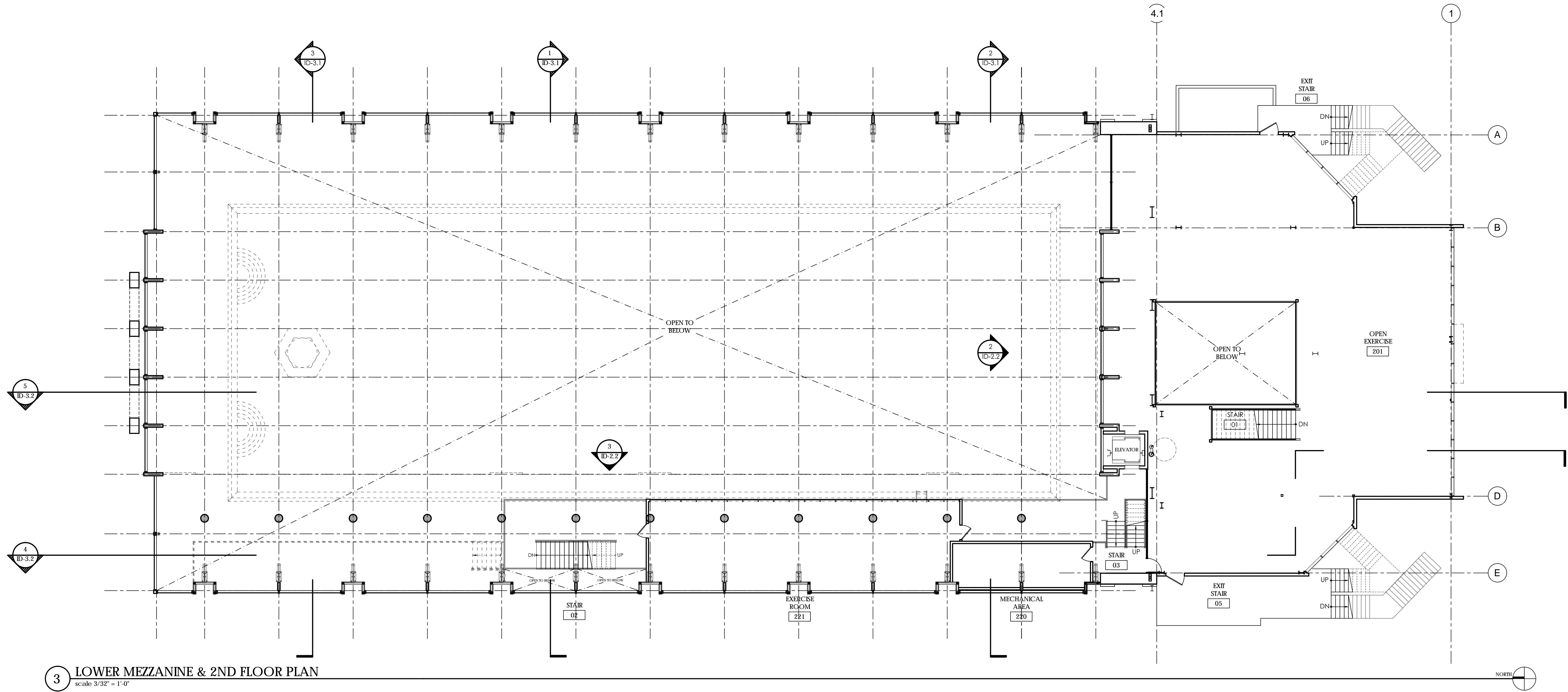
KEY NOTES	
1	
2	
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JULES WILSON ID
JULESWILSON-ID.COM
TEL 619 546 4930
1050 G STREET SD CA 92101

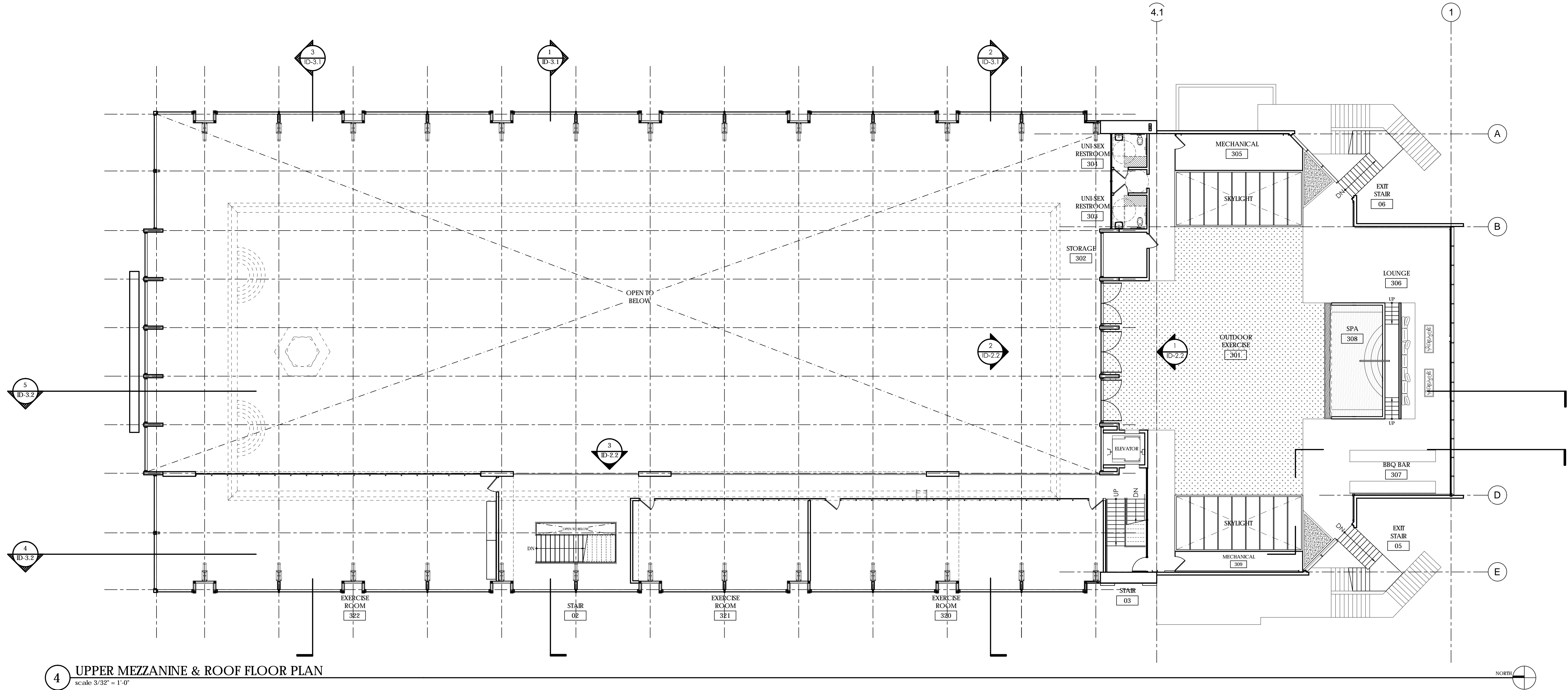
FIT - MISSION BEACH
BELMONT PARK
3146 MISSION BLVD.
SAN DIEGO, CA 92109

ISSUE DATE
11.24.2015

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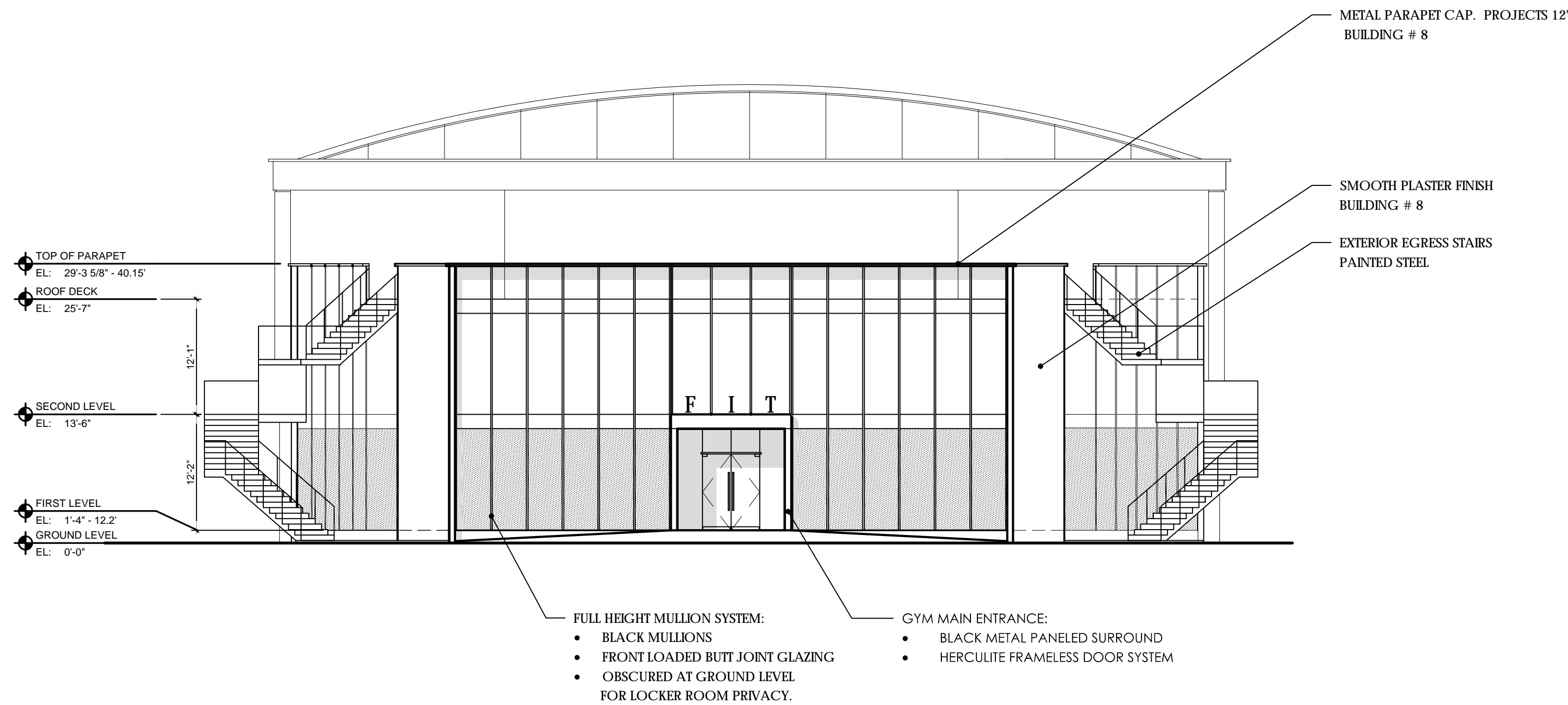
3 LOWER MEZZANINE & 2ND FLOOR PLAN
scale 3/32" = 1'-0"



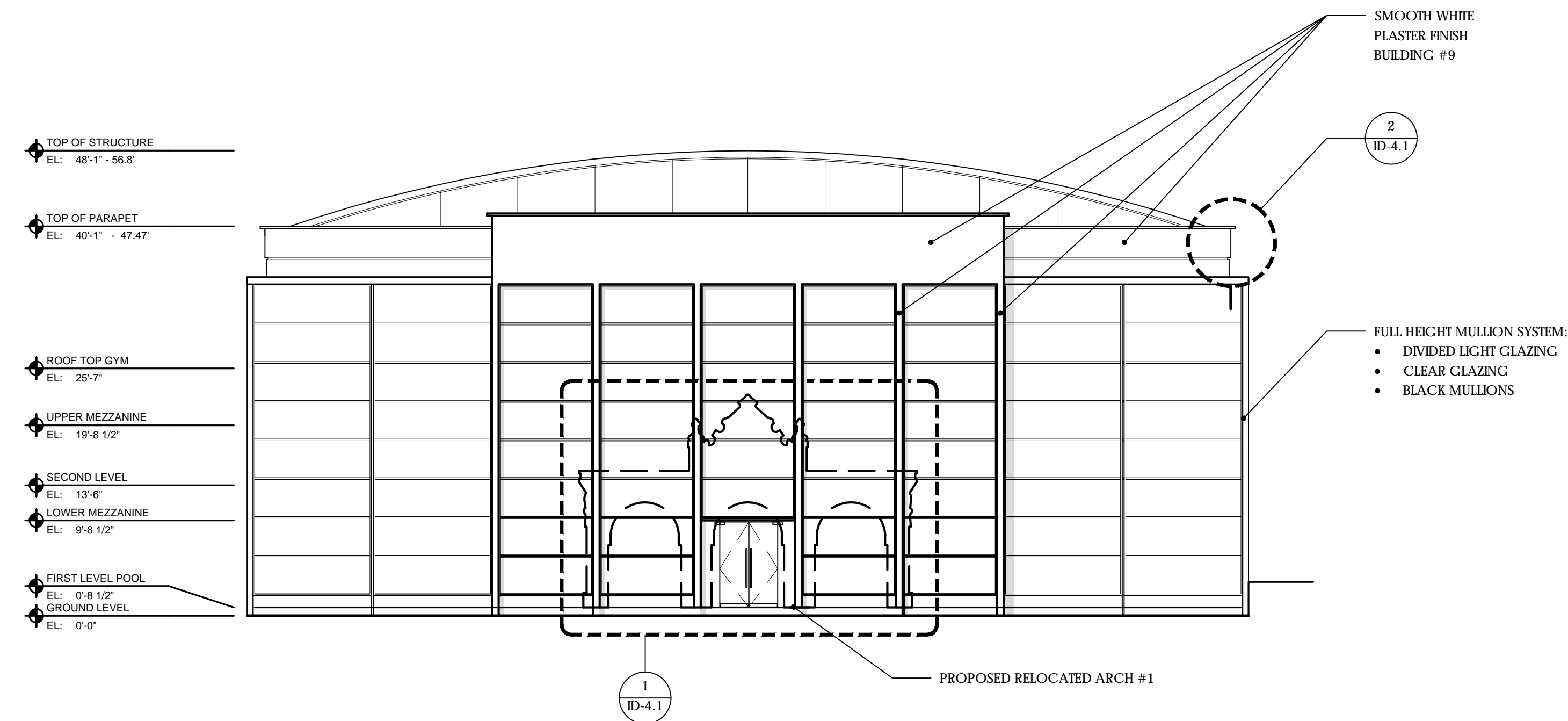
4 UPPER MEZZANINE & ROOF FLOOR PLAN
scale 3/32" = 1'-0"

LEGEND	
	INTERIOR PARTITION WALL
	STRUCTURE / MILLWORK ABOVE
	KEYNOTE SYMBOL - REFER TO KEYNOTES BELOW
	FINISH TAG
	ELEVATION TAG
	SECTION TAG

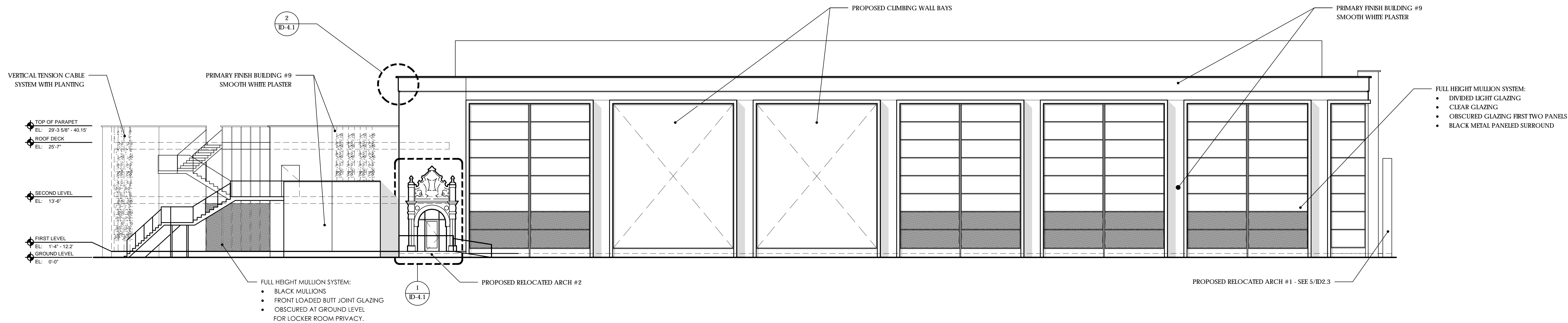
KEY NOTES	
1	
2	
3	
4	
5	



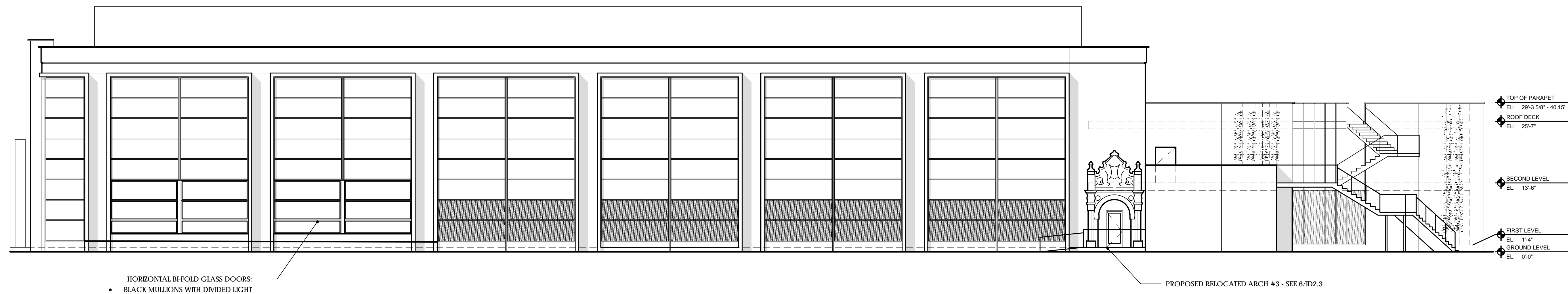
1 SOUTH EXTERIOR ELEVATION
scale 3/32" = 1'-0"



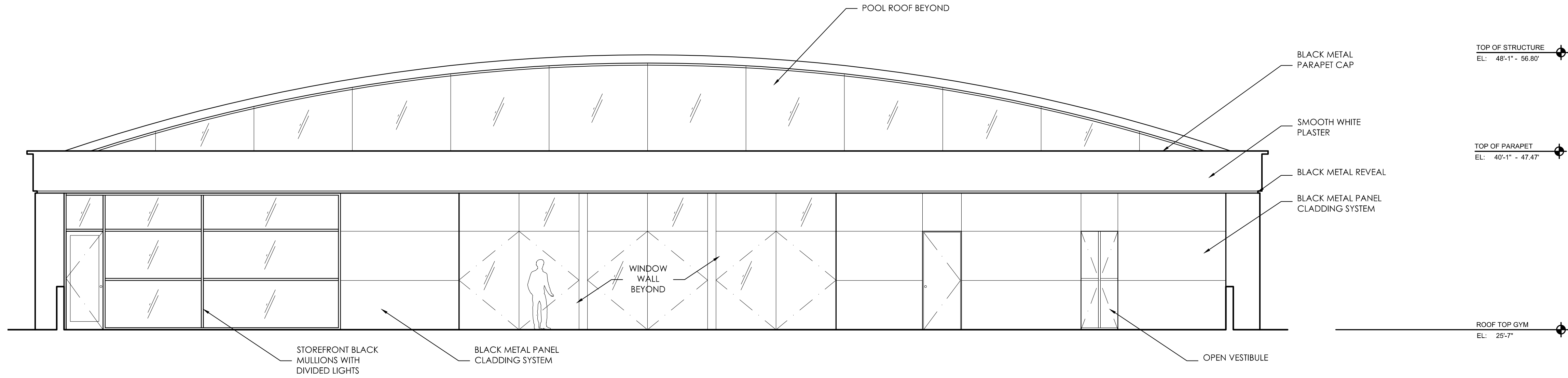
2 NORTH EXTERIOR ELEVATION
scale 3/32" = 1'-0"



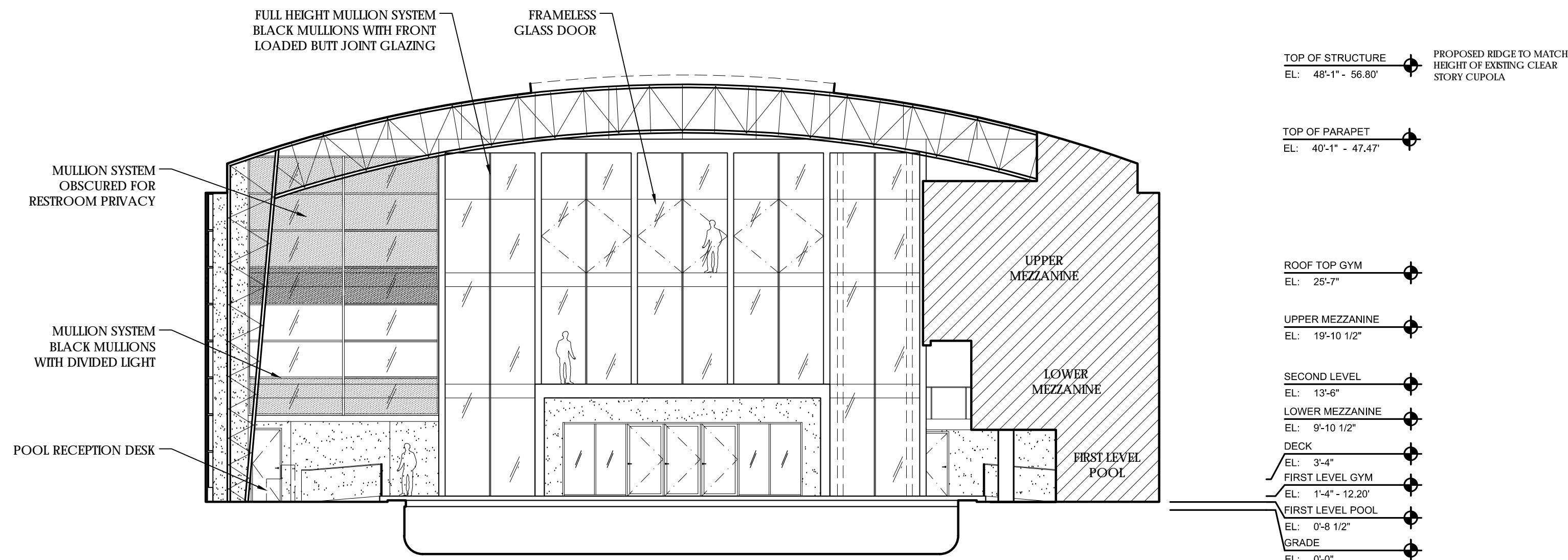
3 EAST EXTERIOR ELEVATION
scale 3/32" = 1'-0"



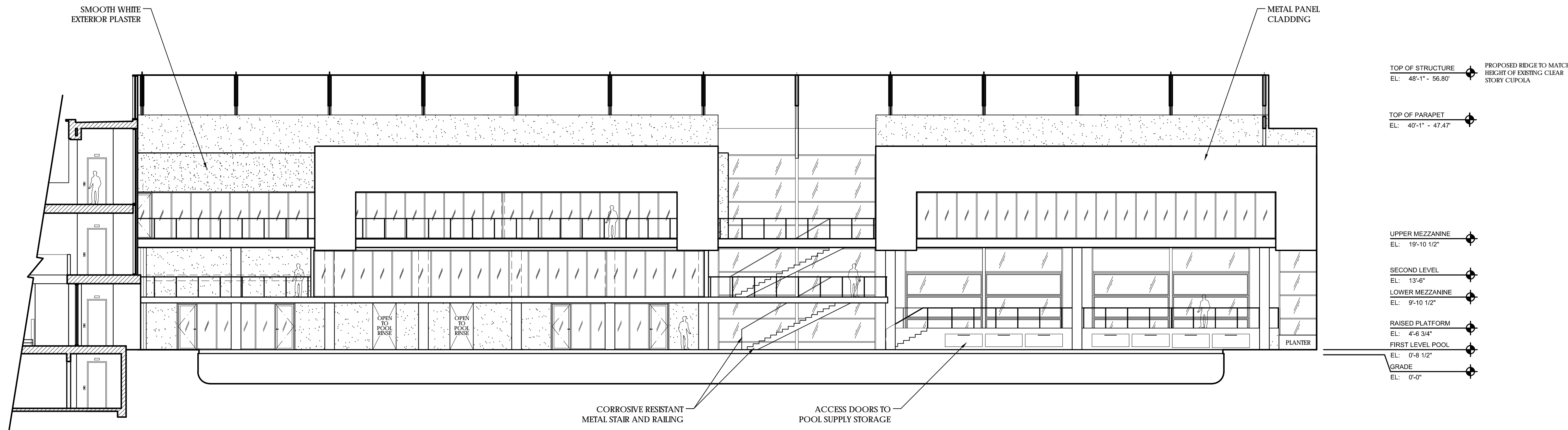
4 WEST EXTERIOR ELEVATION
scale 3/32" = 1'-0"



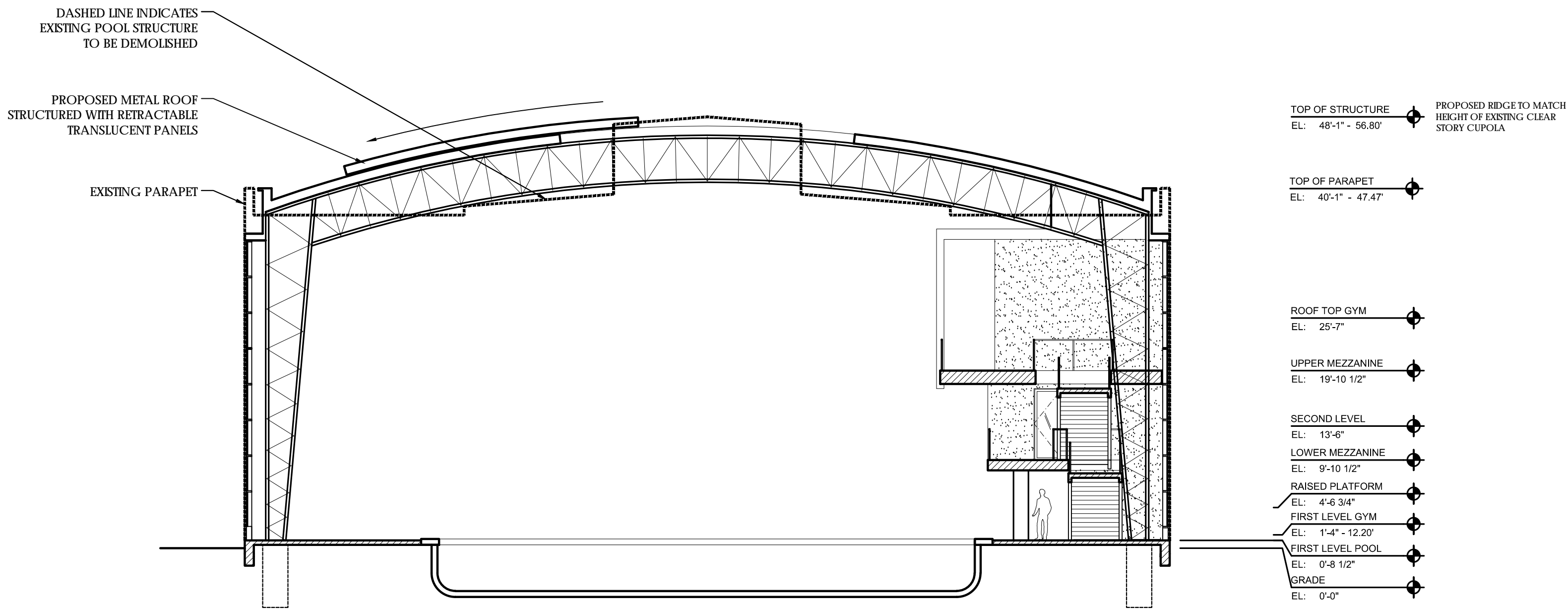
1 ROOF DECK NORTH ELEVATION
scale 3/16" = 1'-0"



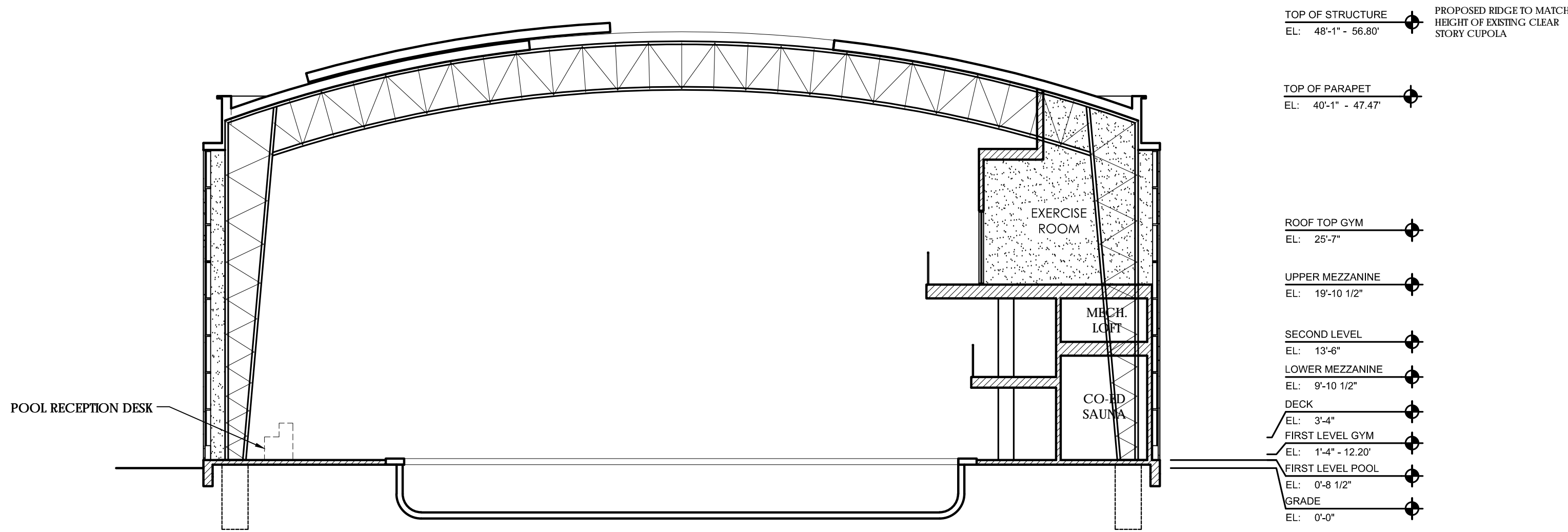
2 INTERIOR PLUNGE SOUTH ELEVATION
scale 3/32" = 1'-0"



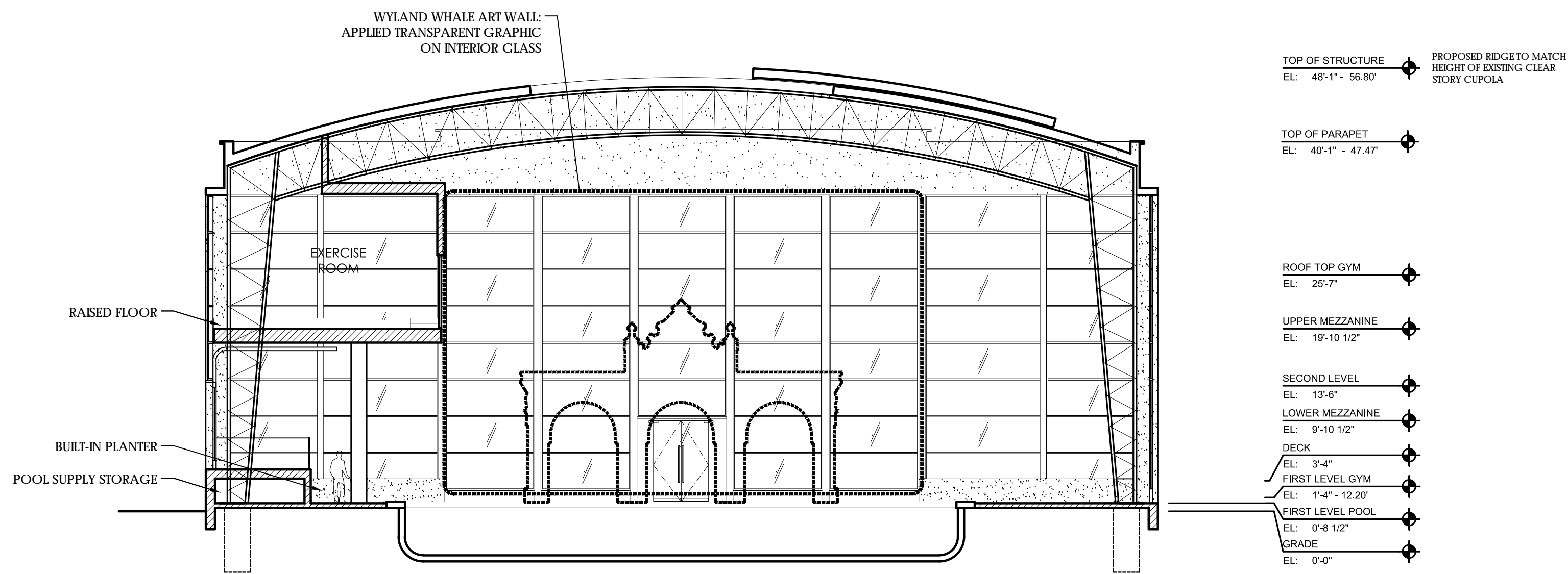
3 INTERIOR PLUNGE WEST ELEVATION
scale 3/32" = 1'-0"



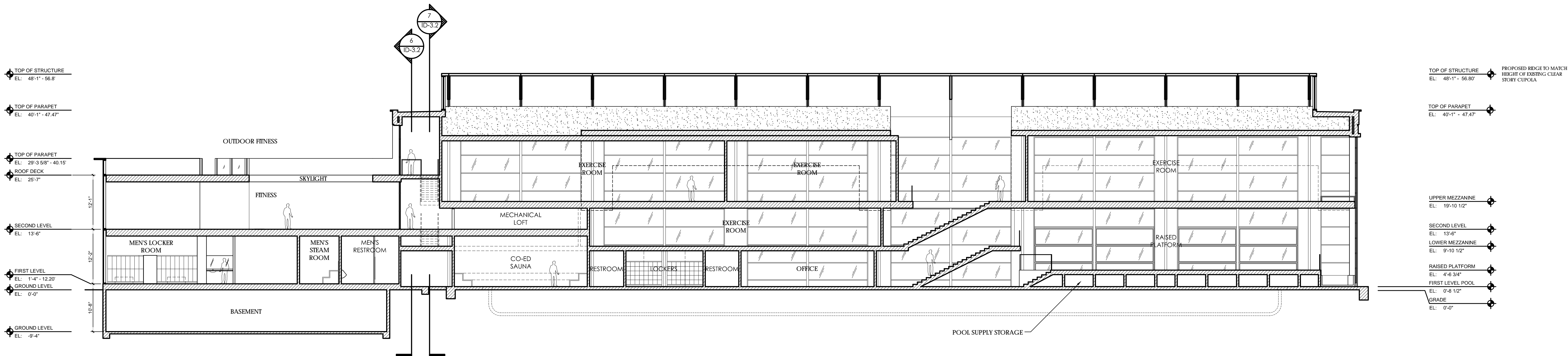
1 BUILDING SECTION
scale 3/32" = 1'-0"



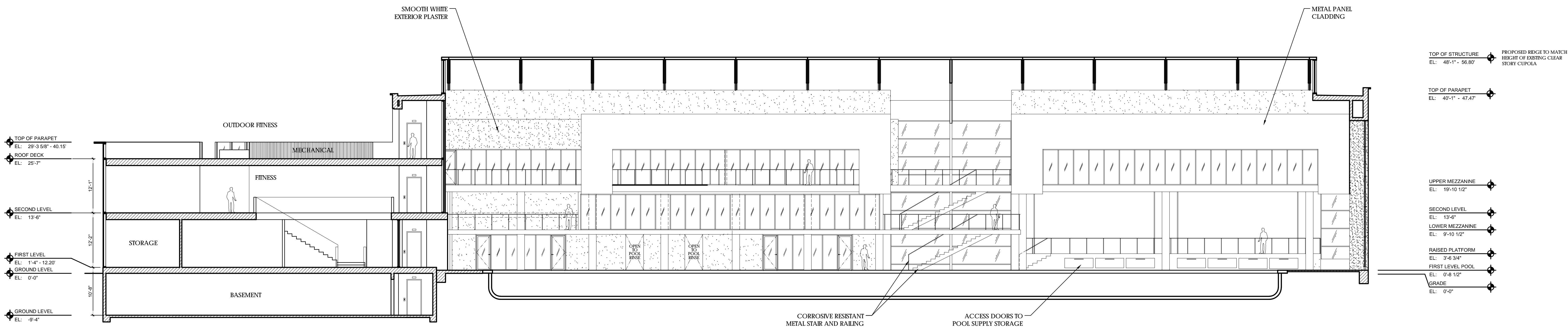
2 BUILDING SECTION
scale 3/32" = 1'-0"



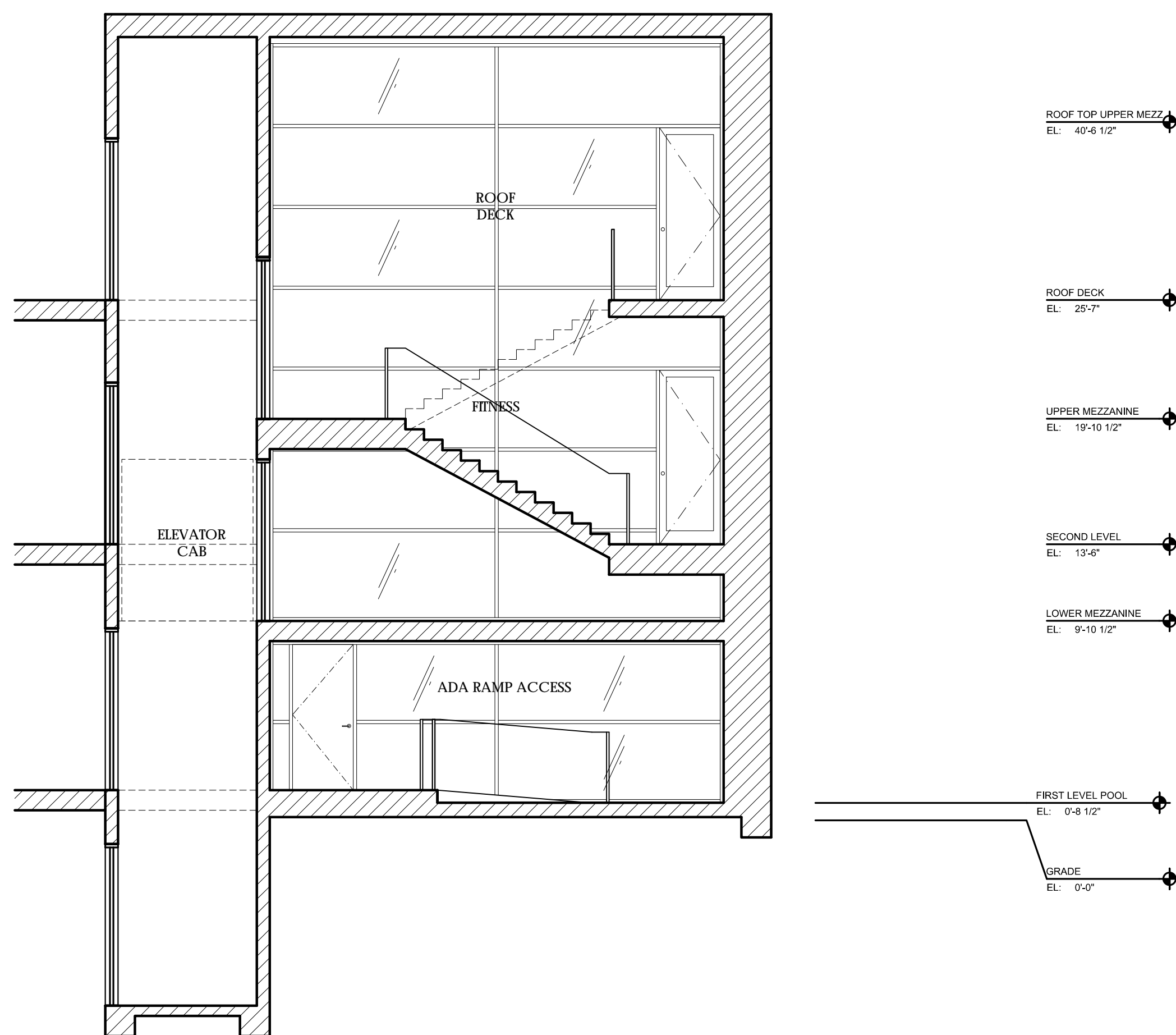
3 BUILDING SECTION
scale 3/32" = 1'-0"



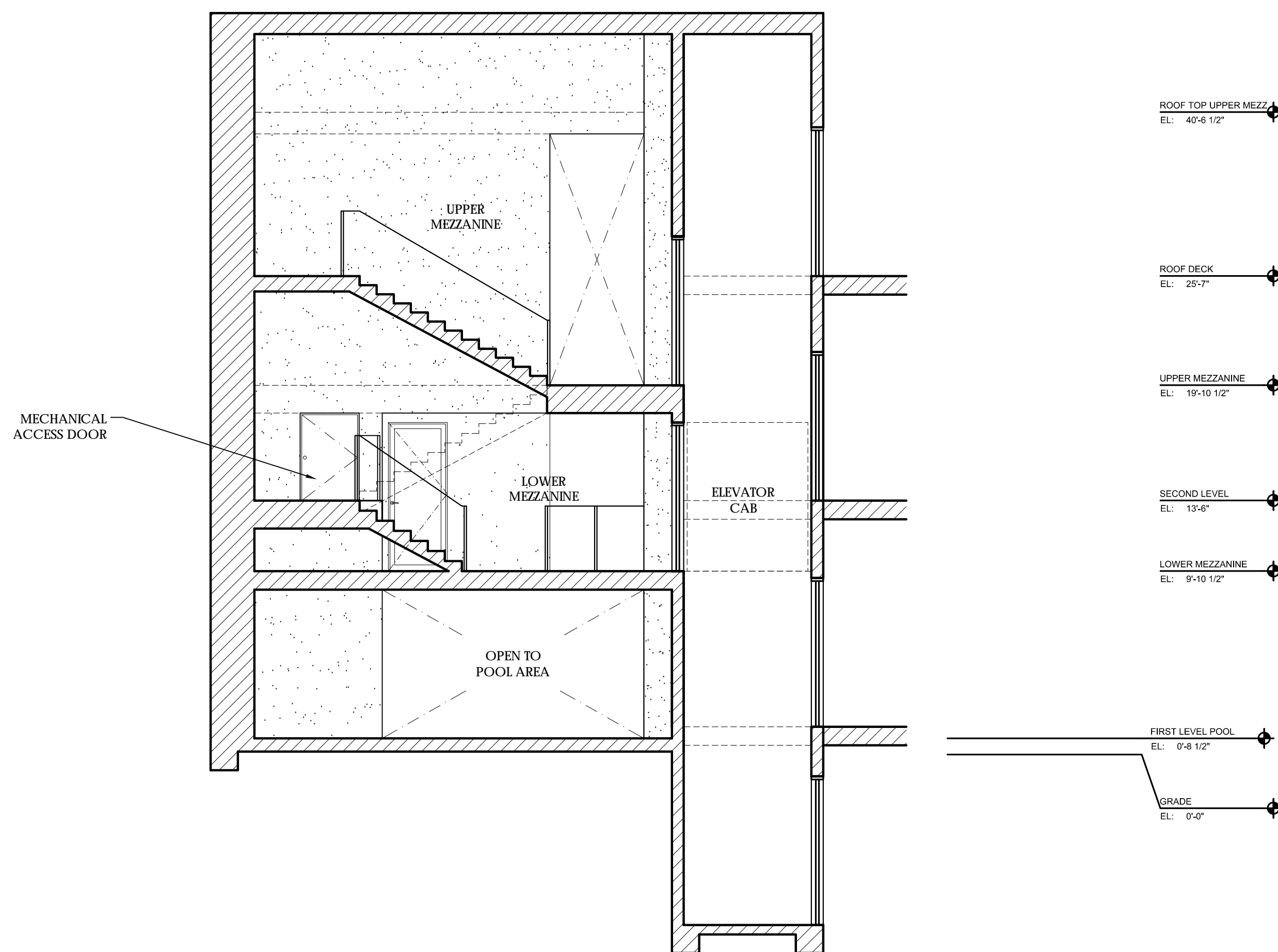
4 BUILDING SECTION
scale 3/32" = 1'-0"



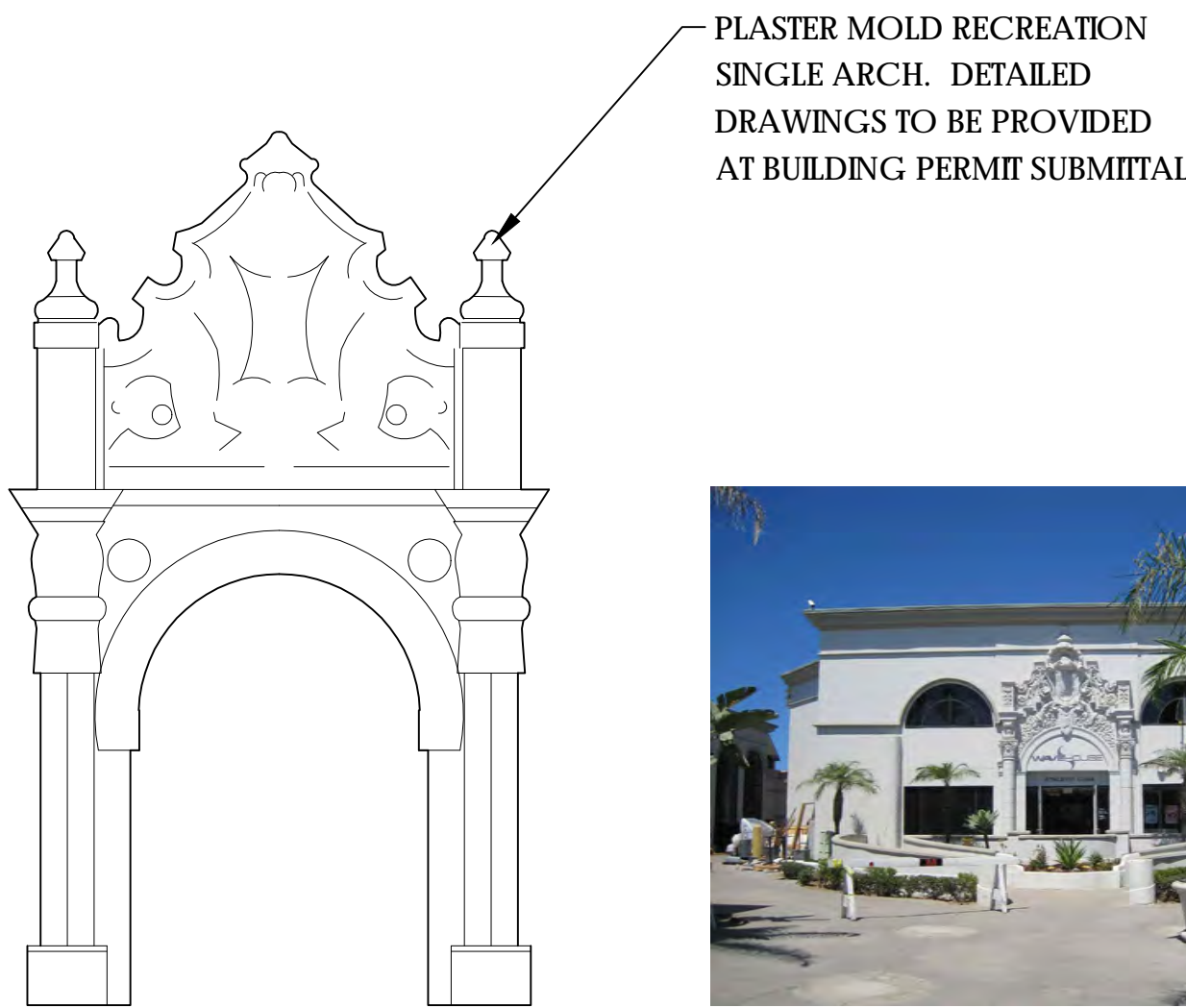
5 BUILDING SECTION
scale 3/32" = 1'-0"



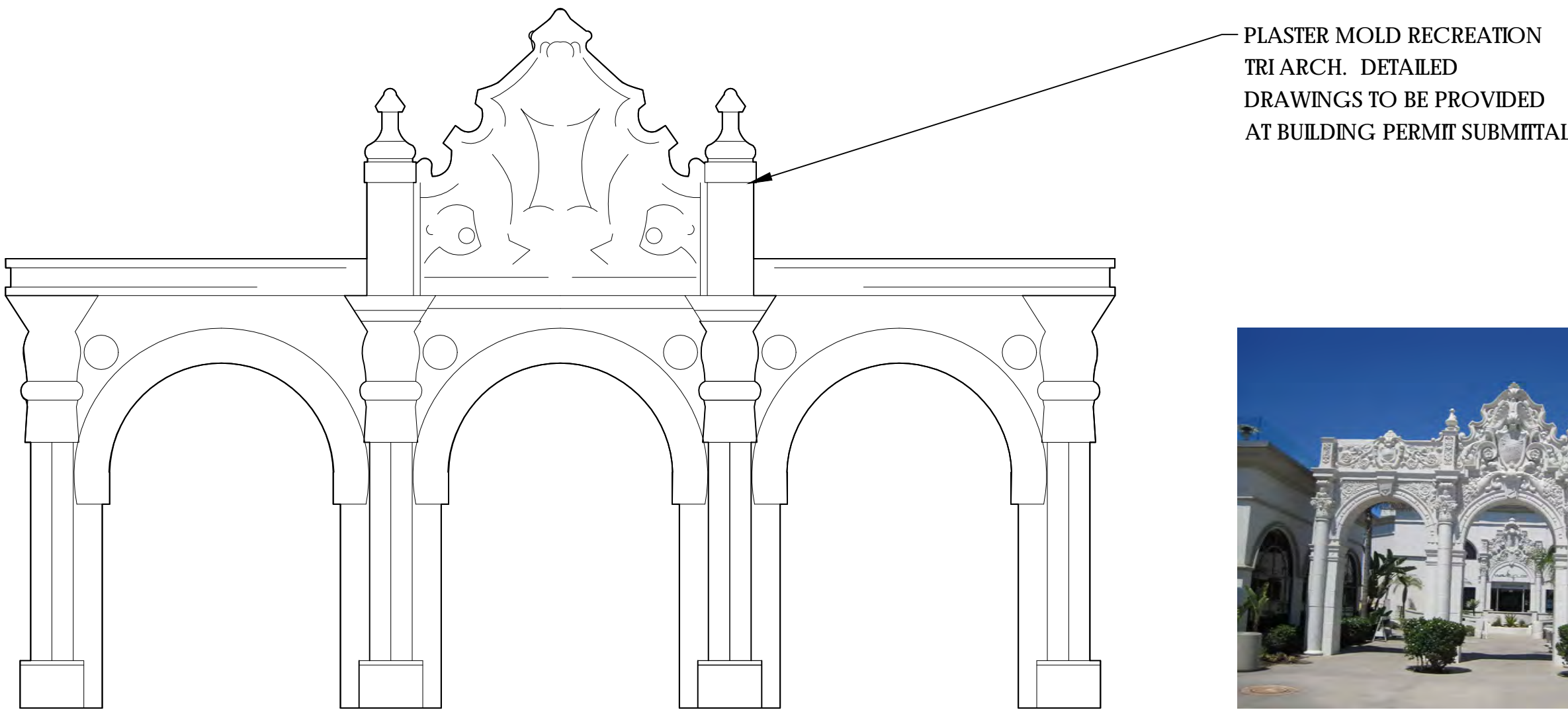
6 STAIR 03 SOUTH SECTION
scale 3/16" = 1'-0"



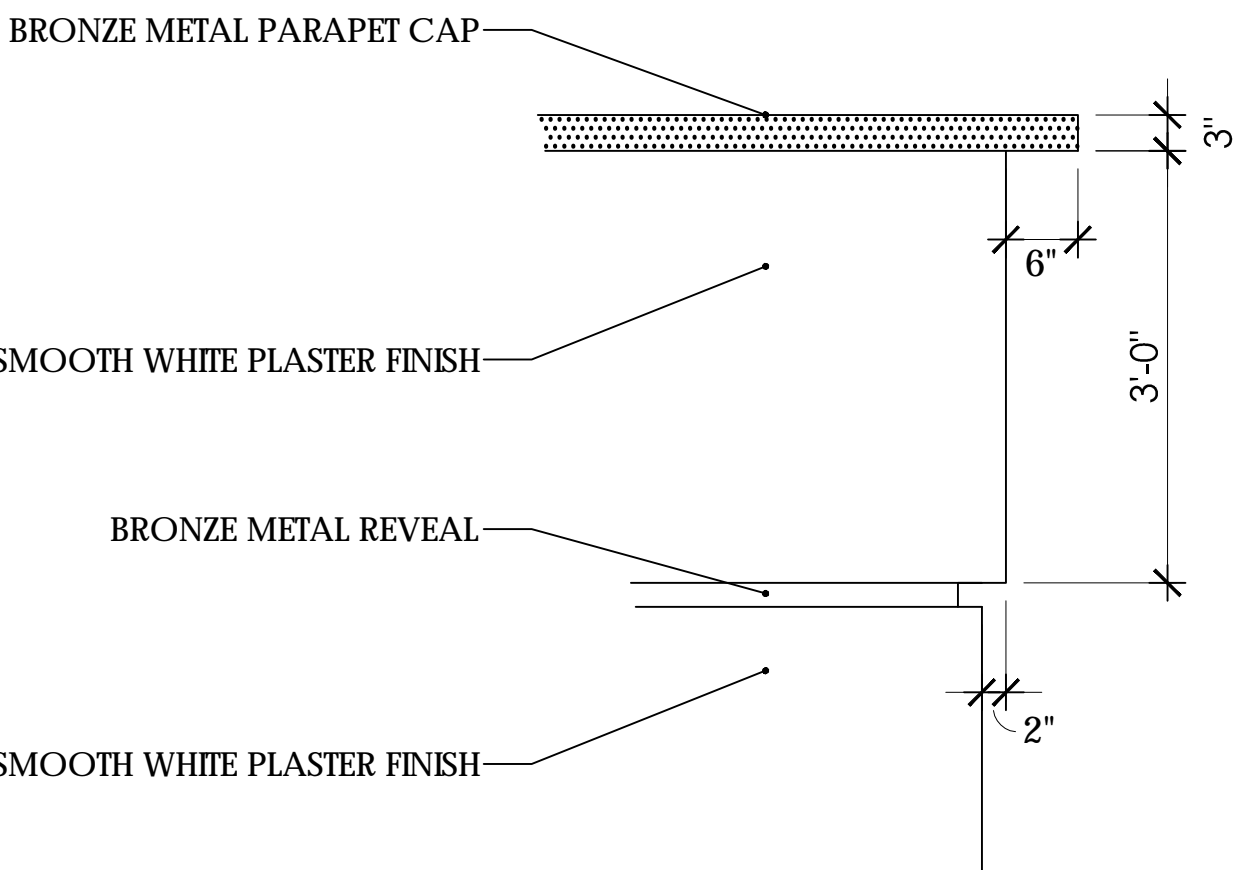
7 STAIR 03 NORTH SECTION
scale 3/16" = 1'-0"



RE-CREATED PLASTER SINGLE ARCH



RE-CREATED PLASTER TRI-ARCH



CORNICE PARAPET DETAIL - BUILDING 9
scale 1 1/2" = 1'-0"

PROPOSED RE-CREATED PLASTER ARCHES
scale 1/4" = 1'-0"