

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CALIFORNIA 92108-4402
(619) 767-2370 FAX (619) 767-2384
WWW.COASTAL.CA.GOV



TH17

Prepared June 6, 2019 (for the June 13, 2019 Hearing)

To: Commissioners and Interested Parties
From: Karl Schwing, San Diego Coast District Deputy Director
Subject: San Diego Coast District Deputy Director's Report for June 2019

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the San Diego Coast District Office are being reported to the Commission on June 13, 2019. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on June 13th.

With respect to the June 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on June 13, 2019 (see attached)

Waivers

- 6-19-0258-W, Scripps Pier Guard Rail Replacement (San Diego)
- 6-19-0337-W, UCSD modular fish facility (Biological Field Station UCSD, La Jolla, San Diego)
- 6-19-0383-W, Adams SFR (Solana Beach)
- 6-19-0385-W, Geotechnical Borings (Del Mar)
- 6-19-0398-W, Bishop ADU (Solana Beach)

Immaterial Amendments

- 6-02-153-A2, I- 5 NB auxiliary lane infiltration basin repair (San Diego)
- 6-16-0989-A2, SeaWorld (San Diego)
- 6-86-396-A16, Belmont Park South Parking Lot Revisions (San Diego)
- 6-92-203-A6, Encinitas Beach Land Venture I, LLC, public access areas revisions (Encinitas)

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 100
SAN DIEGO, CALIFORNIA 92108-4402
TEL (619) 767-2350 FAX (619) 767-2384
WWW.COASTAL.CA.GOV



May 24, 2019

**Coastal Development Permit Waiver
Improvements to Existing Structures
or Repair and Maintenance
Coastal Act Section 30610**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(c), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-19-0258-W

Applicant: University of California, San Diego

Location: Scripps Pier at the Scripps Institution of Oceanography, UCSD, La Jolla, City of San Diego (San Diego County) (APN(s): 344-090-07)

Proposed Development: Replace existing wood railing with electropolished stainless steel, and Ipé cap rails and side rails, and upgrade the electrical power, water, and computer networking utilities at Scripps Pier.

Rationale: The project consists of replacement and upgrades to the Scripps Pier, which is used by UCSD and closed to public access. The contractor would fabricate the replacement railing, transport the railings to the site, and then remove the old railing. Utilities will be detached from the railing and protected in place during replacement of the railing. Netting, with snap hooks, would be installed underneath the pier to prevent debris from falling into the ocean. Canvas would be located under the netting and the contractor will retrieve debris daily by using a vacuum or handpicker. To protect water quality, the project will comply with best management practices including, applying coatings and sealants by brush or roller to limit application to the immediate surface and using vacuum methods to retrieve small debris when removing the existing railing and utilities. The Ipé wood would be left natural and would not be oiled. The project is consistent with all applicable policies of the Coastal Act and no impacts to coastal resources will result.

This waiver will not become effective until reported to the Commission at its June 2019 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

A handwritten signature in blue ink, appearing to read "Melody Lasiter".

Melody Lasiter
Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

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



May 20, 2019

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-19-0337-W

Applicant: UC San Diego Campus Planning attn.: Anu Delouri

Location: Biological Field Station at northeast corner of West Campus, UCSD, La Jolla, San Diego, San Diego County (APN(s): 342-010-24)

Proposed Development: Demolition of existing one-story greenhouse and installation of one-story, approx. 960 sq. ft. modular building containing up to 150 thirty-five gallon fish tanks and related equipment for scientific facility at the southeast corner of the existing biological field station.

Rationale: The proposed project replaces one existing modular structure with a similar-sized structure in an area of the main campus that is already developed. The project area is not used by the general public, the structure will not be visible from public roads, and it will not encroach into environmentally sensitive lands, including the university's park reserve lands. As an academic structure, it will be consistent with university operations and applicable zoning and land use designations. Thus, the proposed development will not have adverse impacts to coastal resources and will be in conformance with Chapter 3 of the Coastal Act.

This waiver will not become effective until reported to the Commission at its meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth

Executive Director

A handwritten signature in black ink, appearing to read "Alex Ilcrandi".

Alexander Ilcrandi

Coastal Program Analyst

California Coastal Commission

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
1575 METROPOLITAN DRIVE, SUITE 100
SAN DIEGO, CALIFORNIA 92108-4402
PH (619) 767-2375 FAX (619) 767-2351
WWW.COASTAL.CA.GOV



May 31, 2019

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-19-0383-W**Applicant:** Peter & Lauren Adams**Location:** 208 Pacific Avenue, Solana Beach (San Diego County) (APN(s): 263-322-01)

Proposed Development: Demolition of an existing 2,256 sq. ft., two-story single-family residence and construction of a new 3,030 sq. ft., two-story single-family residence including a 1,323 sq. ft. basement and 512 sq. ft. attached garage on a 7,076 sq. ft. lot; grading, landscaping, and hardscape improvements including new retaining walls.

Rationale: The proposed project is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development; therefore, the project will not be out of character with the existing community. The development will not block any public views and adequate parking will be provided. Additionally, the project is consistent with the zoning and plan designations for the City of Solana Beach and its certified Land Use Plan, as well as all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources are anticipated.

This waiver will not become effective until reported to the Commission at its June 2019 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

A handwritten signature in cursive script that reads "Dennis Davis".

Dennis Davis
Coastal Program Analyst

cc: File

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CALIFORNIA 92168-4492
PH: (619) 767-1779 FAX: (619) 767-2384
WWW.COASTAL.CA.GOV



May 30, 2019

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-19-0385-W**Applicant:** City of Del Mar**Location:** Camino Del Mar Bridge over the San Dieguito Lagoon river mouth, Del Mar (San Diego County)**Proposed Development:** Conduct seven geological borings through the Camino Del Mar Bridge to evaluate subsurface soil conditions below the bridge.

Rationale: The proposed borings are necessary to complete geotechnical investigations for future replacement of the Camino Del Mar Bridge over the San Dieguito Lagoon river mouth. No impacts to sensitive biological resources will occur as the drilling will be conducted from the bridge, and will not impact eelgrass or any other sensitive habitats. A qualified biologist will be present during boring activities to ensure no adverse impacts occur to adjacent habitats/wildlife in the lagoon. The drilling will be short term (2 weeks total), and impacts to public access will be minimized using traffic control to keep one lane of traffic open in each direction. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its June 2019 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

A handwritten signature in cursive script, appearing to read "Dennis Davis".

Dennis Davis
Coastal Program Analyst

cc: File

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CALIFORNIA 92108-4402
PH: (619) 767-2370 FAX: (619) 767-2384
WWW.COASTAL.CA.GOV



May 24, 2019

Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(e), Section 13252(e), or Section 13253(e), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 6-19-0398-W**Applicant:** Karen Bishop**Location:** 415 Marview Drive, Solana Beach (San Diego County) (APN(s): 263-160-46)

Proposed Development: Conversion of an existing 195 sq. ft., 1-story detached workshop into an ADU and construction of a 181 sq. ft., first-floor addition to the newly converted ADU (total of 376 sq. ft.) on an 11,900 sq. ft. lot; hardscape improvements. An existing 2,172 sq. ft., 1-story single-family residence and attached 490 sq. ft. garage will remain.

Rationale: The proposed project is located in an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development. The proposed accessory unit is consistent with the City of Solana Beach standards for accessory units in an area designated for Low/Medium Density Residential uses. The development will not block any public views and adequate parking will be provided. The project is consistent with the planning and zoning designations for the City and its certified LUP, as well as all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources are anticipated.

This waiver will not become effective until reported to the Commission at its June 2019 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth
Executive Director

Dennis Davis
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

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



NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **6-02-153-A2**

June 4, 2019

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **6-02-153** granted to **California Department of Transportation** for: construction of a northbound auxiliary lane north of the Del Mar Heights Road overcrossing to the San Dieguito River bridge, connecting to existing auxiliary lanes at either end; additional improvements include a paved shoulder, guardrail replacement, installation of drainage facilities, import of 173,000 cubic yards fill and restoration of slope and salt marsh degraded by failed drainages.

Project Site: Along and adjacent to Interstate 5, from approx. 0.8 miles north of Del Mar Heights Road to approx. 0.7 miles south of Via de la Valle, San Diego (San Diego County)

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

Repair and maintenance of existing storm water infiltration basin and access road.

FINDINGS

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

The proposed development is repair and maintenance of an existing storm water infiltration basin and access road that were authorized by the underlying coastal development permit. The area where the infiltration basin and access road are located was not determined to be Environmentally Sensitive Habitat Area (ESHA)

in the Commission's approval of the underlying permit and the subject repair and maintenance will not impact ESHA. The repair and maintenance will impact approximately 0.15 acres of disturbed habitat in areas previously impacted by construction of the infiltration basin and access road (where plants have grown back). Additionally, the repair and maintenance will impact approximately 0.16 acres of disturbed habitat adjacent to the infiltration basin and access road. This disturbed area and other areas totaling 0.46 acres will be revegetated with native plants following construction.

The project will improve the function of the stormwater infiltration basin, which has become clogged with debris. The repair and maintenance will enable the basin to capture and filter contaminants before they enter coastal waterways, which will enhance biological productivity and water quality consistent with Coastal Act policies.

The special conditions of the underlying coastal development permit continue to apply to the repair and maintenance activities proposed by the permit amendment. The repair and maintenance plans conform with the final plans requirements of Special Condition 1. The plans and proposed construction best management practices conform with the requirements of Special Condition 5 to avoid discharges of pollutants during construction and maintain water quality features in good working order. The revegetation plans conform with the requirements of Special Condition 6 for entirely native plant species. The proposal to complete vegetation clearing and grubbing outside of bird nesting season is consistent with Special Condition 7, which prohibits construction between February 15 and August 31 unless authorized by the Executive Director in consultation with USFWS and CDFW.

For the reasons stated above, the changes proposed by the amendment are immaterial. The proposed development will not adversely affect coastal resources or coastal access, and is consistent with the Chapter 3 policies of the Coastal Act. Therefore, staff is recommending that the Commission grant the amendment request.

If you have any questions about the proposal or wish to register an objection, please contact Zach Rehm at (562) 590-5071.

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CALIFORNIA 92108-4402
PH (619) 767-2370 FAX (619) 767-2384
WWW.COASTAL.CA.GOV



NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **6-16-0989-A2**

June 5, 2019

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **6-16-0989-A2**

Issued to: **SeaWorld San Diego**

For: Lighting upgrades to allow for a summer nighttime light/acrobatic show in the existing Waterfront stadium for the summer of 2017, while limiting firework shows to 14 nights during the summer.

Project Site: 500 SeaWorld Dr, Mission Bay Park, San Diego (San Diego County) APN: 760-037-01-01

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Modify Special Condition No. 3 to authorize the summer nighttime acrobatic light show for summer 2019.

3. Term of Permit. This permit authorizes the summer nighttime acrobatic show between Memorial Day weekend and Labor Day weekend for 2017 and 2019 subject to the following parameters:

- A. During the summer in which the approved summer nighttime acrobatic show is held, summer fireworks shows between Memorial Day weekend and Labor Day weekend shall be limited to 14 nights:
- i. Three nights of Memorial Day weekend;
 - ii. Three nights of 4th of July weekend;
 - iii. Three nights of Labor Day weekend; and
 - iv. Five indeterminate nights for private events.

FINDINGS

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

No coastal resource impacts were identified during the 2017 iteration of the summer night show. While California least tern nesting activity in 2017 at Stony Point, across the channel from the stadium, did not rise to levels warranting monitoring for the entire summer, under this amendment, SeaWorld will once again be required to conduct least tern monitoring to identify any adverse impacts.

If you have any questions about the proposal or wish to register an objection, please contact Alexander Llerandi at the phone number provided above.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CALIFORNIA 92108-4402
PH (619) 767-2370 FAX (619) 767-2384
WWW.COASTAL.CA.GOV



NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **6-86-396-A16**

June 5, 2019

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **6-86-396-A16**

Issued to: **Symphony Asset Pool XVI, LLC**

For: Demolition of roller rink building and annexes to Mission Beach Plunge, reconstruction of indoor swimming pool room, construction of an approximately 12,000 sq. ft. annex building housing locker rooms, showers, mechanical equipment, athletic facilities, and a community meeting room, and construction of seven (7) new commercial retail buildings, totaling 70,000 sq. ft. of floor area, restaurants, food and beverage concessions, and retail shops. Also, renovation of existing restroom and lifeguard facilities and construction of additional public restrooms and police shore patrol room, and construction of associated parking and landscaping improvements. Offsite improvements include construction of a pedestrian overpass over Mission Boulevard, resealing and restriping the Bonita Cove parking lots, and upgrading existing bus stops on Mission Boulevard and West Mission Bay Drive.

Project Site: 3146 Mission Blvd, Belmont Park, Mission Beach, San Diego (San Diego County) APN: 760-217-07

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Modify the previously approved project to include landscape improvements to the pedestrian sidewalk between the parking lot and boardwalk, and amend the number of valet parking spaces authorized to operate in the parking lot and where they must be located:

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 drafted by Colkitt & Co. Architects and submitted to the Coastal Commission on December 6, 2013.

- a. The final plans shall contain construction notes indicating that all new lighting installed pursuant to the approved development shall have a color temperature no higher than 3000 Kelvin.

Notice of Proposed Immaterial Permit Amendment

6-86-396-A16

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. Final Landscape Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMEDMENT, the applicant shall submit to the Executive Director for review and written approval final landscaping plans approved by the City of San Diego. The plans shall include the following:

- a. All landscaping shall be drought tolerant and native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.
- b. All landscaping installed as part of the approved development shall be maintained at a height of three feet or lower (including raised planters), except for approved palm trees, to preserve views toward the ocean

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.

- 5. Valet Parking Operations.** Any approved valet parking program must operate subject to the following parameters:

- a. Up to a maximum of ~~76~~ 90 parking spaces may be utilized on any given day for parking vehicles partaking in the valet parking program;
- b. All parking spaces not being utilized for the valet parking program shall remain as free public parking, regardless of visitor destination;
- c. When the valet parking program is not in operation, all parking spaces shall be available free to the public, and shall not be reserved for any other use;
- d. All vehicles partaking in the authorized valet parking program must be parked within the easternmost aisle southernmost row of parking spaces, between the two Mission Blvd vehicular entrances starting at the southeast corner and filling in westward up to the daily maximum number of spaces;

Notice of Proposed Immaterial Permit Amendment
6-86-396-A16

- e. All parking spaces slated to be used for valet parking on any given day must be clearly delineated from the remaining free spaces utilizing cones, signage, or similar demarcation.

FINDINGS

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

The original permit action approved increasing the existing free 463-space parking lot to 571 parking spaces, with 90 parking spaces utilized for a valet program and the remaining 481 spaces being free public parking. The proposed amendment will relocate the authorized valet parking and reduce the valet area to 76 parking spaces, with no reduction to the approved 481 spaces that will be continuously free to the public. Thus, the proposed amendment will still expand the free parking supply available to the public and enhance public access in this segment of the coast, while avoiding impacts to coastal resources. The new landscaping will be maintained at a height to protect public views of the ocean, and the new lighting will be the minimized in color temperature to reduce glare and light spillover into adjacent park and beach areas.

If you have any questions about the proposal or wish to register an objection, please contact Alexander Llerandi at the phone number provided above.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CALIFORNIA 92108-4402
PH (619) 767-2370 FAX (619) 767-2384
WWW.COASTAL.CA.GOV



NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **6-92-203-A6**

June 6, 2019

To: All Interested Parties

From: John Ainsworth, Executive Director

Subject: Permit No. **6-92-203** granted to **Encinitas Beach Land Venture I, LLC** for: Demolition of 3 single-family residences, relocation of 7 mobile homes and the construction of an approximately 138,460 sq. ft., 2-story, 130-unit resort hotel complex with banquet facilities, a restaurant, public access amenities, and 230 space underground parking garage on 4.3 acre blufftop site. Also proposed are the consolidation of 4 lots into 1 lot and the vacation of 2 public access easements totaling .67 acres.

Project Site: 2100 North Coast Highway 101, Encinitas (San Diego County) (APN(s): 216-041-20, 21, & 26)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Amend CDP No. 6-92-203 to add Special Condition 27 requiring the recording of a deed restriction for the public access areas.

FINDINGS

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

This amendment implements an updated method to secure public access areas (containing vertical and lateral access paths) on the hotel site along with attaching an updated exhibit of the paths and access areas. Existing Special Condition 4 of CDP No. 6-92-203 required the recordings of offers to dedicate, recordings that were completed (Nos. 2000.0615532 and 2000.0615533) but not accepted. Because the applicant has agreed to assume all maintenance,

Notice of Proposed Immaterial Permit Amendment

6-92-203-A6

operational, and liability responsibilities for the access areas, the involvement of a third party is no longer necessary. This change in method of preservation does not create any impacts and will help ensure preservation of the access areas in perpetuity. The new exhibit updates the previously recorded exhibits by displaying a revised public access area. The revised public access area is necessary to accommodate a newly required detention basin near North Coast Highway 101, minor changes to the hotel footprint, and new fire department requirements. Because the square footage of the access area is increasing by a minor amount, there is no loss of public access, and the amendment does not have the potential to create adverse impacts, either individually or cumulatively, on coastal resources or public access to and along coastal waters.

If you have any questions about the proposal or wish to register an objection, please contact Eric Stevens at the South Coast District Office (562-590-5071).

cc: Commissioners/File

NOTE: ALL OF THE COMMISSION'S PREVIOUSLY ADOPTED SPECIAL CONDITIONS CONTINUE TO APPLY IN THEIR MOST RECENTLY APPROVED FORM UNLESS EXPLICITLY CHANGED BY THIS ACTION.

Special Condition 27 of CDP No. 6-92-203 is added as follows:

27. Public Access Areas. WITHIN 180 DAYS OF ISSUANCE OF THIS PERMIT

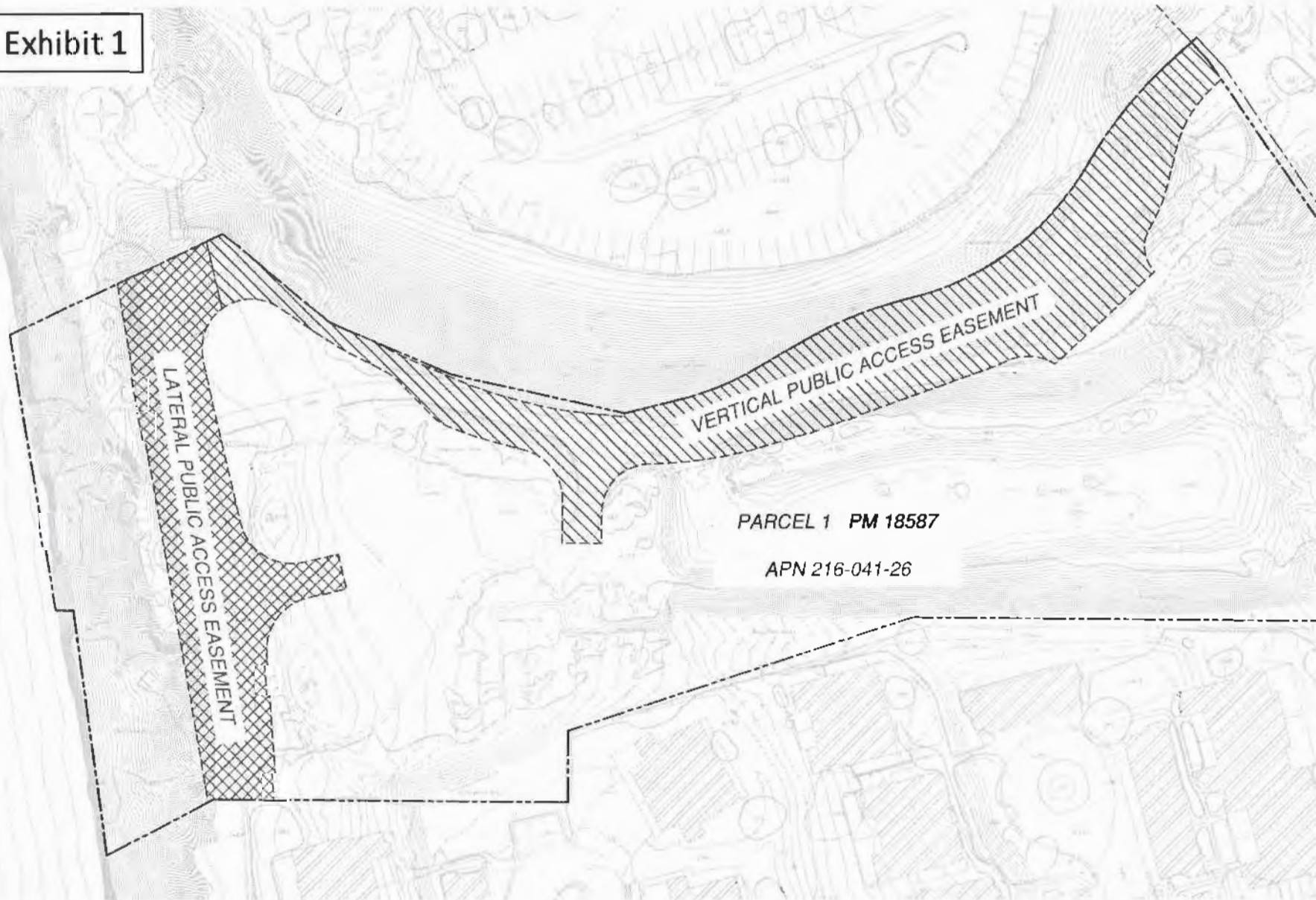
AMENDMENT, the permittee shall execute and record documents(s) in a form and content acceptable to the Executive Director, restricting the use and enjoyment of the parcel, and providing public access and recreational uses in perpetuity as depicted in Exhibit 1 of this amendment, CDP No. 6-92-203-A6.

- a. The deed restriction shall reflect that the permittee shall provide public access for recreational uses consistent with the terms and conditions of this coastal development permit, including a vertical and a lateral access path, and as generally shown in Exhibit 1. Said deed restrictions shall encompass the access features required and approved pursuant to Special Condition 2 of CDP No. 6-92-203, except where the features are located on existing public lands. The Executive Director may extend the 180 day deadline for good cause.
 - i. Access improvements within the deed restricted area shall be ambulatory, including that the deed restricted area boundaries and amenities (e.g., path, trail, benches, etc.) shall move inland within the unimproved areas of the permittee's property, if relocation and/or reconstruction of access amenities in the deed restricted area are necessary to retain their continuity and/or utility.
 - ii. Development and Use Restrictions. No development, as defined in Section 30106 of the Coastal Act, shall occur within any of the public access areas other than as described by Special Condition 2 of CDP No. 6-92-203. The deed restriction shall provide that access shall be uninterrupted at all times.

Notice of Proposed Immaterial Permit Amendment
6-92-203-A6

- b. The recorded document(s) shall include a legal description and corresponding graphic depiction of the legal parcel(s) subject to this permit and a metes and bounds legal description and a corresponding graphic depiction, drawn to scale, of the designated public access area(s) prepared by a licensed surveyor based on an on-site inspection of the public access area(s).
- c. The deed restriction shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed.
- d. The deed restriction shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner in perpetuity.




Exhibit 1

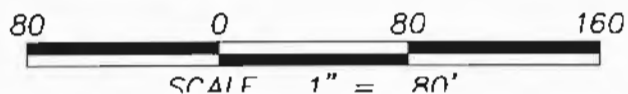


N
SCALE: 1" = 80'

LEGEND:

AREAS:

-  PROPERTY BOUNDARY
-  PROPOSED, REVISED VERTICAL PUBLIC ACCESS EASEMENT _____ 25,616 SQUARE FEET
-  PROPOSED, REVISED LATERAL PUBLIC ACCESS EASEMENT _____ 15,081 SQUARE FEET



TOTAL PROPOSED IOD AREAS = 40,697 SQUARE FEET