

**CALIFORNIA COASTAL COMMISSION**

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# Th8a

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 Staff Report: 7/16/2019  
 Hearing Date: 8/8/2019

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-19-0576

**Applicant:** Central Management Inc.

**Agent:** David Hawkings

**Location:** 2151 Oliver Ave, Pacific Beach, San Diego (San Diego County) APN(s):424-272-03; 760-102-37

**Project Description:** Demolition of an existing one-story, approx. 5,000 sq. ft. clubhouse with residential unit and construction of a new two-story, approx. 8,100 sq. ft. club house with residential unit, and reconfiguration of the on-site parking lot to increase parking supply from 152 to 181 parking spaces on a 3-acre lot.

**Staff Recommendation:** Approval with Conditions

## SUMMARY OF STAFF RECOMMENDATION

The proposed development would rebuild the existing clubhouse on the site of an apartment complex consisting of two separate structures: a 3-story, 120-unit apartment building and the one-story clubhouse with a manager's residential unit. No change in the number of dwelling units is proposed. The site is located north of Mission Bay Park, in the southeast corner of the Pacific Beach community of the City of San Diego. The complex is considered to be "previously conforming" under the City of San Diego Local Coastal Program (LCP) standards, as only 152 parking spaces are present to serve its residents, whereas current standards would require up to 196 spaces be provided.

6-19-0576 (**Central Management Inc.**)

In this location, spillover parking from apartment residences and guests is unlikely to have a large impact on public access. The subject property is located half a mile from Crown Point Park in Mission Bay Park and approximately 1.5 miles inland from the Pacific Ocean. While the site is across the street from the Kendall Frost Marsh Reserve, there is no public access to this portion of the Reserve. Nevertheless, the streets in this area do provide a reservoir of public parking which serves as a staging area for people walking along the boundary of the habitat, or biking to Pacific Beach Drive and Crown Point Drive to the west and the Mike Gotch Memorial Bridge over Rose Creek to the east, and thus serves as an important connector for people walking, biking, and driving along Mission Bay Park.

However, because only the clubhouse is being demolished and rebuilt, while the main, larger apartment structure will not be altered with this proposal, the property does not trigger the definition of redevelopment that would require that the entire property be brought up to current standards. Nevertheless, the reconstruction of the clubhouse has presented the applicant with the opportunity to reconfigure their parking and landscaping such that they will be able to increase the on-site parking supply to 181 parking spaces while only minimally increasing the surface area of the lot. Thus, the project will not increase the intensity of use of the site and will increase the amount on on-site parking, lessening potential impacts to public parking and thus public access in this portion of the coast.

**Special Conditions 1** requires final construction, landscaping, and staging and storage plans to ensure that the development is constructed and designed in the approved manner that will have the least impact to public access and coastal resources. Due to the proximity of the subject property to coastal waters, **Special Condition No. 2** requires the submittal of a construction pollution plan to ensure that proper Best Management Practices are implemented to secure on-site materials and capture or treat runoff that may enter nearby storm drains that flow directly into the waters of Mission Bay Park.

Commission staff recommends **approval** of coastal development permit application 6-19-0576 as conditioned.

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### **APPENDICES**

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### **EXHIBITS**

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial View](#)

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## I. MOTION

### Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

## 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 or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Submittal of Final Plans**
  - A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and written approval of the Executive Director, a full-size set of the following final plans:

- i. Final construction plans that conform with the plans submitted to the Commission on July 16, 2019 titled “Cedar Shores Clubhouse” and dated July 12, 2019, showing that at least 181 parking spaces shall be provided on the subject property.
  - ii. Final landscape plans that conform with the plans submitted to the Commission on July 16, 2019, titled “Cedar Shores Clubhouse” and dated July 15, 2019.
  - iii. Final construction staging and storage plans listing all phases of demolition and construction and identifying the location of all construction staging, storage, and parking on the subject property. No public parking shall be utilized for staging, storage, or employee parking related to the development approved in this permit.
- B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. **Construction and Pollution Prevention Plan.**

**PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and written approval of the Executive Director, a final Construction and Pollution Prevention Plan. The final Plan shall demonstrate that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:

- A. **Property Owner Consent.** The Construction and Pollution Prevention Plan shall be submitted with evidence indicating that the owners of any properties on which construction activities are to take place, including properties to be crossed in accessing the site, consent to use of their properties.
- B. **Minimize Erosion and Sediment Discharge.** During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:
- i. Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.
  - ii. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall

be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.

- iii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.
- iv. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area.
- v. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) that will be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.

C. **Minimize Discharge of Construction Pollutants.** The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:

- i. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:
  - a. Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.
  - b. Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.
  - c. Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.
  - d. Prompt removal of all construction debris from the beach.

- e. Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.
- ii. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall not take place on the beach, and shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

**D. Minimize Other Impacts of Construction Activities.** Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:

- i. The damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction shall be minimized, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.
- ii. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.
- iii. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.

**E. Manage Construction-Phase BMPs.** Appropriate protocols shall be implemented to manage all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training), to protect coastal water quality.

**F. Construction Site Map and Narrative Description.** The Construction and Pollution Prevention Plan shall include a construction site map and a narrative description addressing, at a minimum, the following required components:

- 1. A map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).

2. A description of the BMPs that will be implemented to minimize land disturbance activities, minimize the project footprint, minimize soil compaction, and minimize damage or removal of non-invasive vegetation. Include a construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.
3. A description of the BMPs that will be implemented to minimize erosion and sedimentation, control runoff and minimize the discharge of other pollutants resulting from construction activities. Include calculations that demonstrate proper sizing of BMPs.
4. A description and schedule for the management of all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training). Identify any temporary BMPs that will be converted to permanent post-development BMPs.

**G. Construction Site Documents.** The Construction and Pollution Prevention Plan shall specify that copies of the signed CDP and the approved Construction and Pollution Prevention Plan be maintained in a conspicuous location at the construction job site at all times, and be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction and Pollution Prevention Plan, and the public review requirements applicable to them, prior to commencement of construction.

**H. Construction Coordinator.** The Construction and Pollution Prevention Plan shall specify that a construction coordinator be designated who may be contacted during construction should questions or emergencies arise regarding the construction. The coordinator's contact information (including, at a minimum, a telephone number available 24 hours a day for the duration of construction) shall be conspicuously posted at the job site and readily visible from public viewing areas, indicating that the coordinator should be contacted in the case of questions or emergencies. The coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

The permittee shall undertake development in accordance with the approved Construction-Phase Pollution Prevention Plan, unless the Commission amends this permit or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.



## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION**

The Cedar Shores Apartments complex is an existing development consisting of two structures: a three-story, 120-unit apartment building and a separate one-story, approx. 5,000 sq. ft. clubhouse with leasing offices, communal recreational space for the development's residents, and a property manager's apartment. The proposed development would demolish the existing clubhouse and construct a new 2-story, 26-ft. tall, approx. 8,100 sq. foot clubhouse with offices, communal recreational space, a rooftop pool, and property manager's apartment in the same location. No change in the number of units is proposed.

The site is located north of Mission Bay Park, in the southeast corner of the Pacific Beach community of the City of San Diego. There are two sources of parking standards in this area: the Pacific Beach Community Plan, which serves as the certified Land Use Plan for Pacific Beach, and the Land Development Code, which serves as the certified Implementation Plan for all of San Diego. Pursuant to Appendix I of the Pacific Beach Community Plan, the Cedar Shores Apartments would need to provide 188 parking spaces, whereas under the Land Development Code, the complex would need to provide 196 parking spaces. Thus, the complex is considered to be "previously conforming" under the City of San Diego LCP standards, as only 152 parking spaces are currently provided on site.

In this location, spillover parking from apartment residents and guests is unlikely to have a large impact on public access. The site is located one-and-a-half miles inland from the Pacific Ocean and half a mile from Crown Point Park, and while it is across the street from the Kendall Frost Marsh Reserve segment of Mission Bay Park, there is no public access to this portion of the Reserve. Nevertheless, the streets in this area do provide a reservoir of public parking which serves as a staging area for people walking along the boundary of the habitat, or biking to Pacific Beach Drive and Crown Point Drive to the west and the Mike Gotch Memorial Bridge over Rose Creek to the east, and thus serves as an important connector for people walking, biking, and driving along Mission Bay Park.

However, because only the clubhouse is being demolished and rebuilt, while the main, larger apartment structure will not be altered with this proposal, the property does not trigger the definition of redevelopment that would require that the entire property be brought up to current standards. Nevertheless, the reconstruction of the clubhouse has presented the applicant with the opportunity to reconfigure their parking and landscaping such that they will be able to increase the on-site parking supply to 181 parking spaces while only minimally increasing the surface area of the parking lot. Thus, the project will not increase the intensity of use of the site and will increase the amount of on-site parking, lessening potential impacts to public parking and thus public access in this portion of the coast.

The proposed clubhouse will be located in the same area of the property as the existing clubhouse, and runoff from the structure will be directed in the new landscaping that will be installed on all sides of the structure, between it and the parking lot. **Special Condition No. 1** will require that the project is built according to approved parking, construction, and landscaping plans, and **Special Condition No. 2** will require that an approved construction pollution prevention plan be submitted and implement the appropriate Best Management Practices to prevent, capture, and treat runoff during construction of the new clubhouse.

The subject site is located within the Pacific Beach segment of the City of San Diego's certified LCP. The subject site is bisected in such a manner that approximately half is located within an area of the Commission's original jurisdiction and half is located within the City of San Diego's permit jurisdiction, the latter still partially being within the Commission's appeal jurisdiction. Pursuant to Coastal Act section 30601.3, with the consent from the applicant and the City, the permit for the entire project is being processed as a consolidated permit by the Coastal Commission, with Chapter 3 policies of the Coastal Act as the legal standard of review and the City's certified LCP used as guidance.

## **B. BIOLOGICAL RESOURCES**

Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any sensitive habitat and, as conditioned, will not result in erosion of adverse impacts to water quality, as adequate drainage controls will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

## **C. COMMUNITY CHARACTER/VISUAL QUALITY**

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

## **D. PUBLIC ACCESS/PARKING**

As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

**E. LOCAL COASTAL PLANNING**

The project site is located in the Pacific Beach community, a segment of the City of San Diego's certified LCP. However, the property is located in both the jurisdiction of the City of San Diego, appealable to the Coastal Commission, and in the Coastal Commission's original jurisdiction. Thus, a consolidated permit is being processed by the Coastal Commission, and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to implement its certified LCP in the Pacific Beach community.

**F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The City of San Diego determined the proposed development to be exempt from CEQA review as a Class 2 development pursuant to Section 15302. As conditioned in this permit to address final project design, landscaping staging and storage, and runoff control measures, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

6-19-0576 (**Central Management Inc.**)

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS