

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



F14b

ADDENDUM

November 17, 2021

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item F14b**, Coastal Commission Permit Application **#6-21-0259 (Mastro's Ocean Club)**, for the Commission Meeting of November 19, 2021

The purpose of this addendum is to respond to requested changes from the applicant (See Correspondence) and make corrections and revisions to the staff report. Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by ~~strikethrough~~ and additions shall be underlined:

1. Revise the third paragraph on page 3 of the staff report as follows:

The subject oceanfront site is located west of Highway 101 in an area known locally as "Restaurant Row". Restaurant Row is a popular dining destination among visitors and locals alike; however, parking is constrained. The proposed project will provide sufficient on-site parking through the use of a valet program. Valet parking is proposed to be provided during the restaurant's hours of operation and will be subject to a fee. To ensure that the valet fee does not encourage patrons to utilize neighboring beach parking, **Special Condition #1g** requires that the valet fee be no more than ~~\$12~~ \$15, which is the cost of a day-use pass at nearby Cardiff State Beach. Because all on-site parking will be subject to a valet program, it is possible that employees will look elsewhere for free parking, resulting in adverse impacts on public access. Therefore, **Special Condition #7** requires that the applicant submit and implement a Transportation/Parking Demand Management Program to promote the use of transit and minimize parking demand. **Special Condition #1h** also requires the restaurant to provide free valet parking or reserved carpool spaces for carpools of three or more workers. To further minimize energy consumption associated with automobile use, **Special Condition #1f** requires the applicant to provide one EV charging station space.

2. Modify Special Condition #1 on page 7 as follows:

1. Revised Final Plans.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for the review and written approval of the Executive Director, revised final plans that are in substantial conformance with the plans prepared by DP3Architects dated March 4, 2020, except that they shall comply with the following:

(a) Lighting. The plans shall illustrate the existing beach lights on the seaward side of the restaurant structure, in the area depicted by Exhibit 7, to be removed as required by Special Condition #8. No lighting directed towards the revetment or beach is allowed.

(b) Public access signage. The existing northern public access sign shall be relocated to the seaward side of the lateral accessway, approximately 8 ft. west of its existing location, as depicted in Exhibit 5.

(c) Knee wall. The proposed knee wall on the seaward side of the new addition shall be replaced with a fence, gate, planter, or other similar permeable barrier between the outdoor dining area and public accessway. All portions of this barrier shall be located outside of the lateral public access easement.

(d) Lateral public accessway. Plans should clearly state that no development is to encroach into the lateral public accessway except as authorized through a coastal development permit or permit amendment.

(e) Parking space wheel stops. Wheel stops shall be added along the inland edge of the lateral public accessway to prevent encroachment of vehicles into the lateral public accessway.

(f) Electric Vehicle (EV) charging station. Parking plans shall provide for one Electric Vehicle charging station space.

(g) Valet parking. Parking plans shall indicate that the valet program will operate during all hours of restaurant operation and the charge for valet parking shall be no more than ~~\$12.00~~ \$15.00.

(h) Worker carpool. Parking plans shall identify free valet parking or reserved carpool spaces for carpools of three or more workers.

The permittee shall undertake the development in conformance with the approved final plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Modify Special Condition #5 on page 11 as follows:

5. No Future Bluff or Shoreline Protective Device

- (a) By acceptance of this Permit, the permittee agrees, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the addition to the development approved pursuant to Coastal Development Permit No. 6-21-0259 ~~including, but not limited to, the addition (indoor and outdoor dining areas)~~, including in the event that the ~~development~~ approved addition is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this Permit, the permittee hereby waives, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under applicable law.
- (b) By acceptance of this Permit, the permittee further agrees, on behalf of themselves and all successors and assigns, that the ~~landowner~~ permittee shall remove the approved addition ~~development~~ authorized by this Permit, ~~including the addition (indoor and outdoor dining areas)~~, and restore the site, if:
- (i) Any government agency ~~has ordered that the structures are not to be occupied due to any of the hazards identified above, or if any public agency requires the structures to be removed~~ with legal jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the approved addition is unsafe for occupancy or use due to natural hazards and that there are no measures that could make the structure suitable for use without the use of bluff or shoreline protective devices;
 - (i) Essential services to the site (e.g., utilities, roads) can no longer feasibly be maintained due to the coastal hazards listed above; or
 - (ii) The development requires new or augmented shoreline protective devices that conflict with applicable LCP or Coastal Act policies.
- (c) The approved project may be constructed and used consistent with the terms and conditions of this permit for only as long as the approved addition ~~it~~ remains safe for occupancy and on private property. If any portion of the ~~development~~ approved addition at any time encroaches onto public property, the permittee shall remove the encroaching portion of the development. The permittee shall obtain a coastal development permit for removal of approved development unless the Executive Director provides a written determination that no coastal development permit is legally required.
- (d) Prior to removal/relocation, the permittee shall submit two copies of a Removal/Relocation Plan to the Executive Director for the review and written approval. The Removal/Relocation Plan shall clearly describe the manner in which such development is to be removed/relocated and the affected area restored so as to best protect coastal resources, including the Pacific Ocean. In

the event that portions of the development fall to the bluffs or ocean before they are removed/relocated, the landowner shall remove all recoverable debris associated with the development from the bluffs and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

4. Modify Special Condition #9 on page 13 as follows:

9. Deed Restriction.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval documentation demonstrating that the applicant landowner has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to the terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

5. Revise the last paragraph on page 26 of the staff report as follows:

It is important to note that full use of the parking lot is only possible through the operation of a valet program given the configuration of spaces. The valet program previously approved by the Commission was to operate 7 days a week, during evening hours, and would be complimentary for restaurant guests. The applicant is proposing changes to the valet program, including operation of the valet during all hours of restaurant operation and charging a fee of approximately \$10 to \$14. The current posted cost to park in the nearby North Cardiff State Beach Day Use facility is ~~\$42~~ \$15. To ensure that a lower parking fee at the State Beach lot does not encourage restaurant patrons to park in public beach parking spaces, **Special Condition #1** requires that the valet fee at Mastro's be no more than ~~\$12.00~~ \$15.00.