

**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



# W13

## San Diego Coast District Deputy Director's Report for March 2022

**Prepared March 02, 2022 (for the March 09, 2022 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, San Diego Coast District Deputy Director

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, emergency CDPs, and local government acceptance of modifications for LCP amendment certification for the San Diego Coast District Office are being reported to the Commission on March 09, 2022. 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 March 9th.

With respect to the March 9th 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 March 09, 2022 (see attached)**

#### **Waivers**

- 6-21-0901-W, City of San Diego Pump Station N Maintenance (San Diego)
- 6-22-0057-W, Ohman-Claxton SFR Addition (Solana Beach)
- 6-22-0122-W, Pokrzywinski Condo Remodel (Solana Beach)

#### **Immaterial Amendments**

- 6-07-021-A4, Los Peñasquitos Lagoon Inlet Maintenance (San Diego)
- 6-16-0989-A5, SeaWorld Summer Night Show (San Diego)

**Emergency Permit Waivers**

- G-6-22-0003-W, Black's Beach Access Road Grading (San Diego)

**LCP Certification Review**

- City of Oceanside LCP Amendment No. LCP-6-OCN-20-0086-3 (Downtown Commercial Uses)
- City of San Diego LCP Amendment No. LCP-6-SAN-19-0142-2 (Fiesta Island)

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March 1, 2022

## **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(e), 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:** 6-21-0901-W

**Applicant:** City of San Diego attn: Eriberto Valdez

**Location:** 914 Santa Clara Pl, Mission Bay Park, San Diego (San Diego County)  
APN(s): 531-33-89-00

**Proposed Development:** Remove an existing Conex box with switchgears and motor control center components located adjacent the pump station. These electrical components will be replaced and relocated within the existing underground pump station structure. The Project will also install back-up generators within the existing pump station to ensure uninterrupted operation in the event of power failure and replace the above-ground automatic transfer switch (ATS) cabinet located adjacent to the pump station, in-kind.

**Rationale:** The proposed work is to an existing below-grade pump station located within Mission Bay Park. The work will remove free-standing Conex boxes adjacent to the pump station currently occupying park space, and move the electrical equipment into the below-grade pump station. The new equipment will be within the pump station or, if above-grade, in-kind. The project will take up to four months and occupy up to six public parking spaces for staging and storage, but will observe a summer moratorium period to avoid occupation of parking during the summer.

**Coastal Development Permit Waiver**  
6-21-0901-W

This waiver will not become effective until reported to the Commission at its March 2022 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

DocuSigned by:  
  
633E996CE0CA4B3...

Alexander Llerandi  
Coastal Program Analyst

cc: Commissioners/File

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February 18, 2022

## **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(e), 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:** 6-22-0057-W

**Applicant:** Ohman-Claxton Family Trust 10-20-05

**Location:** 457 Dell Court, Solana Beach, San Diego County (APN: 263-430-35)

**Proposed Development:** Construction of an approximately 880 sq. ft. first-floor addition, conversion of 134 sq. ft. of garage space to internal living space, interior remodel and replacement of all doors and windows, and a new approximately 260 sq. ft. attached patio cover to an existing 2,042 sq. ft. two-story single-family residence with a 700 sq. ft. attached garage on a 13,811 sq. ft. lot.

**Rationale:** The proposed project requires a permit because the site is located between the first public road and the sea and the addition will result in an increase of more than 10% of the existing floor area. The project is located within an established residential neighborhood consisting of residences similar in size and scale to the proposed development. The project is consistent with the Scaled Residential Overlay designation of the City of Solana Beach's certified Land Use Plan and is consistent with the Low/Medium Density Residential zoning designation. The proposed development will not block any public views and adequate parking will be provided. 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 March 2022 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

**Coastal Development Permit Waiver**  
6-22-0057-W

Sincerely,

John Ainsworth  
Executive Director

Original on file signed by:

Kaitlin Carney  
Coastal Planner

cc: Commissioners/File

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March 01, 2022

## **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(e), 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:** 6-22-0122-W

**Applicant:** Gary and Roxanne Pokrzywinski

**Location:** 239 South Helix Avenue #39, Solana Beach, San Diego County  
(APN: 298-520-01-39)

**Proposed Development:** Remodel involving replacement and enlargement of windows and sliding glass door in an existing 1,450 sq. ft. condominium unit.

**Rationale:** The existing condominium building is located within 50 ft. of the coastal bluff, and thus the proposed window enlargement requires a permit. The proposed development will not increase the size of the unit or impact geologic stability. The development does not result in alteration of greater than 50% of the exterior walls of the existing structure. The proposed development will not affect public views or coastal access, and no adverse impacts to coastal resources are anticipated. 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.

This waiver will not become effective until reported to the Commission at its March 2022 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

**Coastal Development Permit Waiver**  
6-22-0122-W

Sincerely,

John Ainsworth  
Executive Director

Original on File signed by:

Carrie Boyle  
Coastal Program Analyst

cc: Commissioners/File



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February 24, 2022

## NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **6-07-021-A4**

**To:** All Interested Parties

**From:** John Ainsworth, Executive Director

**Subject:** Permit No. **6-07-021-A4** granted to **Los Peñasquitos Lagoon Foundation** for: Excavation of a temporary channel (maximum dimensions 1,000' x 20' x 6') to open the mouth and enhance the outflow of Los Peñasquitos Lagoon, and placement of excavated materials on the adjacent beach, as needed to maintain biological resources, for five years.

**Project Site:** Mouth of the Los Peñasquitos Lagoon at North Torrey Pines Road (Highway 101), North City, 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 change(s):

Extend terms of the permit for an additional two years. Revise the project description to allow a maximum of 40,000 cubic yards of sand placement for each inlet maintenance event. Remove Special Condition No. 6 for shoreline monitoring as shown:

~~6. Shoreline Monitoring Plan~~

~~(a) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director, for review and written approval, a detailed Beach Profile Monitoring Plan for shore and nearshore monitoring at and near the receiver site at Torrey Pines State Beach that provides for the following:~~

~~i. Monitoring at and adjacent to the receiver site shall address the following:~~

~~A. Confirm as-built project plans for location and deposition amounts and document any plan revisions;~~

~~B. Seasonal and inter-annual changes to the receiver sites, in width of dry beach, subaerial and nearshore slope, offshore extent of nourished toe, and overall volume of sand in the profile;~~

## Notice of Proposed Immaterial Permit Amendment

6-07-021-A4

- ~~C. Extent of transport of material up and down coast from the receiver sites; and~~
- ~~D. Time period over which the beach benefits related to the project can be identified as distinct from background conditions.~~
- ii. ~~The plan shall be prepared by a qualified engineer with experience in coastal engineering and include, at a minimum, the following:~~
  - ~~A. Field surveys of the receiver sites and adjacent areas. Unless otherwise indicated, all profiles shall extend from an upland fixed location or monument, across the beach, through the nearshore, to closure depth. Profiles shall be prepared within six months prior to sand placement, promptly upon completion of sand placement (this survey may be terminated offshore at the toe of the project rather than going to closure), and 3 months after completion of sand placement.~~
  - ~~B. There shall be a minimum of two profiles through the receiver site, and at least one profile up coast and one profile down coast of this receiver site. The transect downcoast shall be at least 400 feet from the southern end of the receiver site and no further than 2,000 feet from the southern end of the receiver site.~~
  - ~~C. A site specific determination of the current location of the Mean High Tide Line (MHTL) shall be conducted at the beach receiver sites prior to beach nourishment, with the consultation and written confirmation of the State Lands Commission.~~
  - ~~D. Oblique aerial photographs of the receiver sites shall be taken at the time each profile is taken, as determined in subsection (i) of this Special Condition.~~
- iii. ~~A report to the Executive Director of the Coastal Commission annually and by April 1<sup>st</sup> of each year. The report shall compile the results of the above monitoring requirements and shall be incorporated into the general annual monitoring report as required by Special Condition No. 4~~
- (b) ~~The permittee shall undertake development in conformance with the approved final plan 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.~~

## Notice of Proposed Immaterial Permit Amendment

6-07-021-A4

### FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations.<sup>1</sup> Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the executive director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

The intent of the shoreline monitoring requirement was to gain a better understanding of how long the placed sand stays on the beach and where it moves as the tides wash the sand off the beach. The applicant previously indicated that the sand placed on the beach is washed into the ocean quickly and is usually not detectable within the next tidal cycle. The shoreline monitoring conducted over the last four years confirms that the amount of sand placed on the beach moves quickly into the littoral cell and therefore does not result in any significant ecological impacts. This is largely due to the small amounts of sand (5,000 cubic yards – 40,000 cubic yards) placed on the beach for each dredging event. In order to ensure that similar amounts of sand placed on the beach in the future, the applicant has revised the project description to include a 40,000 cubic yard limit for any single dredge event. The Commission's ecology and engineering staffs confirm that

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<sup>1</sup> The Commission's regulations are codified in Title 14 of the California Code of Regulations.

## **Notice of Proposed Immaterial Permit Amendment**

6-07-021-A4

placing 40,000 cubic yards or less of sand will not result in significant impacts to marine resources, water quality or public access and support removal of the shoreline monitoring requirements.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above.

If you have any questions about this notice, please contact Toni Ross at the phone number provided above.

cc: Commissioners/File

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February 08, 2022

**NOTICE OF PROPOSED IMMATERIAL PERMIT  
AMENDMENT****Coastal Development Permit Amendment No. 6-16-0989-A5**

**To:** All Interested Parties

**From:** John Ainsworth, Executive Director

**Subject:** Permit No. **6-16-0989-A5** granted 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 fireworks 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):

3. Term of Permit. This permit authorizes the summer nighttime acrobatic show between Memorial Day and Labor Day weekend of 2017, 2018, 2019, 2020, ~~and 2021~~, and 2022 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.

**FINDINGS**

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations.<sup>1</sup> Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

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<sup>1</sup> The Commission's regulations are codified in Title 14 of the California Code of Regulations.

## Notice of Proposed Immaterial Permit Amendment 6-16-0989-A5

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the executive director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.


The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

The number of summer fireworks shows authorized by the permit will not change from the previously approved 14. All other conditions and requirements of the coastal development permit, as amended, will still be in effect, and no substantial adverse impacts have been identified during previous summer performances. Thus, the proposed amendment is not expected to result in adverse impacts.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above.

If you have any questions about this notice, please contact Alexander Llerandi at the phone number provided above.

Original on File signed by:

DocuSigned by:  
  
633E996CE0CA4B3...  
Alexander Llerandi  
Coastal Program Analyst

cc: Commissioners/File

**CALIFORNIA COASTAL COMMISSION**

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FAX (619) 767-2384



February 24, 2022

Robert Clossin  
University of California, San Diego  
9500 Gilman Drive  
La Jolla, CA 92093

Re: Request for Emergency Action at Black's Beach No. G-6-22-0003-W

Dear Mr. Clossin:

On February 16, 2022, the Executive Director received your request for an emergency permit for road grading following that morning's high tides at Black's Beach. The high tide washed out the northwestern toe of the emergency access road, leaving a gap between the road and the beach and impeding emergency vehicle access to the beach. The City of San Diego Lifeguards and University of California, San Diego (UCSD) determined immediate action was necessary to grade the road and restore emergency vehicle access. Emergency work was completed on February 18, 2022 and took approximately one hour. The work consisted of using a backhoe to smooth the lower section of the road to allow continued emergency vehicle access. No import or export of materials occurred.

Commission staff has determined that this project qualifies for a Coastal Act Section 30611 Emergency Permit Waiver for the following reasons:

1. Immediate action by a public agency, UCSD, is necessary to protect life and public property and maintain public utilities, and the proposed work is the minimum necessary to alleviate the emergency condition.
2. There will be no permanent erection of any structure valued at more than \$25,000.
3. The project is the minimum amount of work necessary to clear the emergency access road and no impacts to public access will occur.

Because the development qualifies for an Emergency Permit Waiver under Section 30611 of the Coastal Act, a follow-up coastal development permit is not required to authorize the work. The work will be reported to the Coastal Commission at the next Commission meeting on March 9-11, 2022.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Leach".

Stephanie Leach  
Coastal Program Analyst

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Date: February 25, 2022

To: **COMMISSIONERS AND INTERESTED PERSONS**

From: **JOHN AINSWORTH, EXECUTIVE DIRECTOR**

Subject: **EXECUTIVE DIRECTOR'S DETERMINATION** that the action by the City of Oceanside, certifying the City's Local Coastal Program Amendment No. LCP-6-OCN-20-0086-3 (Downtown Commercial Uses), is adequate to effectively certify its local coastal program (for Commission review at its meeting of March 9, 2022)

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**BACKGROUND**

At its October 13, 2021 meeting, the Coastal Commission certified, with suggested modifications, the City of Oceanside Local Coastal Program Amendment No. LCP-6-OCN-20-0086-3, amending Articles 4a and 12 of its certified Implementation Plan (IP) to update and expand commercial uses in the Downtown District, streamline the review of certain uses, and specifically list various regulated uses as either permitted with a conditional use permit or not permitted in the Downtown District Land Use Matrix. Additionally, the amendment allows certain land uses within the Downtown District to be reviewed administratively - after public notice - with the City Planner rather than the Planning Commission or the City Council. By its action adopting Resolution No. 21-R0796-1 on December 15, 2021, the City Council has acknowledged and accepted the Commission's single suggested modification. The modification corrected an error in the definition of Accessory Massage to allow Accessary Massage by right, consistent with the Land Use Matrix.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Oceanside is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13544 of the Commission's Code of Regulations then requires this determination be reported to the Commission.



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March 10, 2022

Mayor Esther Sanchez  
City of Oceanside  
300 N. Coast Highway  
Oceanside, Ca 92054

Re: Certification of the City of Oceanside Local Coastal Program Amendment No. LCP-6-OCN-20-0086-3 (Downtown Commercial Uses)

Dear Mayor Sanchez:

The California Coastal Commission has reviewed the City's Resolution No. 21-R0796-1 together with the Commission's action of October 13, 2021 certifying City of Oceanside Local Coastal Program Amendment No. No. 6-OCN-20-0086-3 pertaining to expansion of commercial uses permitted in the City's Downtown District. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and this determination was reported to the Commission at its meeting of March 9, 2022.

By its action on December 15, 2021, the City has formally acknowledged and accepted the Commission's certification of the subject Local Coastal Program Amendment including the single suggested modification. The modification corrected an error in the definition of Accessory Massage to allow Accessory Massage by right, consistent with the Land Use Matrix.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

John Ainsworth  
Executive Director

**RESOLUTION NO. 21-R0796-1**

**A RESOLUTION OF THE CITY COUNCIL AND  
COMMUNITY DEVELOPMENT COMMISSION OF THE  
CITY OF OCEANSIDE APPROVING RLCPA19-00001 WITH  
CALIFORNIA COASTAL COMMISSION'S SUGGESTED  
MODIFICATIONS AND REQUESTING CERTIFICATION AS  
AMENDED**

**(City of Oceanside –Applicant)  
(RLCPA19-00001)**

WHEREAS, the California Coastal Act (Public Resources Code §30000, et seq.) (the "Coastal Act") requires that the City adopt a Local Coastal Program (LCP) which meets the requirements of the Coastal Act at the local level and implements its provisions and policies; and

WHEREAS, on January 25, 1985, the California Coastal Commission ("Commission") approved the City's Land Use Plan ("LUP") and, pursuant to Public Resources Code §30512.2, found the City's LUP to be consistent with the policies and requirements of Chapter 3 of the Coastal Act and to meet the basic stated goals specified in Public Resources Code §30001.5;

WHEREAS, the City Council and Community Development Commission conducted a joint duly-noticed public hearing on February 26, 2020, to adopt changes to the City's Downtown Zoning Ordinance Articles 4A and 12 to allow provisions for new commercial uses in the Downtown area that are allowed outside the Downtown area, allow a provision of a streamlined review for non-controversial uses either by right or through an administrative conditional use permit process rather than review through the full Conditional Permit, and specifically list regulated uses as either permitted with a Conditional Use Permit (CUP) or prohibiting them entirely.

WHEREAS, on October 13, 2021, the California Coastal Commission approved said changes with one suggested modification to Article 4A Section 423W.c. Per Exhibit A, suggested modification is to remove the language that requires a Conditional Use Permit for accessory massage to align with City staff's amendments to permit accessory massage by right if associated with the personal improvement services per Article 12 Matrix table; and

WHEREAS, the City Council and Community Development Commission did, on the 15th day of December, 2021 conduct a duly-noticed public hearing to consider Zone Amendment

**EXHIBIT NO. 1**

**Resolution No. 21-R0796-1**

LCP-6-OCN-20-0086-3 (Downtown  
Commercial Uses)



California Coastal Commission

1 (RZA19-00001) and Local Coastal Program Amendment (RLCPA19-00001), to consider the  
2 Commission's recommendation; and


3 WHEREAS, the City Council/Community Development Commission finds the  
4 modifications to the Local Coastal Program, as suggested by the Commission, to be adequate to  
5 carry out the land use plan of the Local Coastal Program.

6 NOW, THEREFORE, the City Council/Community Development Commission of the  
7 City of Oceanside DOES RESOLVE as follows:

- 8 1. Pursuant to Public Resources Code §30510(a), the Oceanside City Council hereby  
9 certifies that the Local Coastal Program Amendment (RLCPA19-00001) is intended to be  
10 carried out in a manner fully in conformity with the Coastal Act, and is hereby adopted.  
11 2. Pursuant to the California Environmental Quality Act of 1970, and the State Guidelines  
12 thereto amended to date, a Notice of Exemption has been issued for the project by the  
13 Resource Officer for the City of Oceanside.  
14 3. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this  
15 Local Coastal Plan Amendment shall take effect upon Commission concurrence.  
16 4. Notice is hereby given that the time within which judicial review must be sought on the  
17 decision is governed by Public Resources Code §30801.

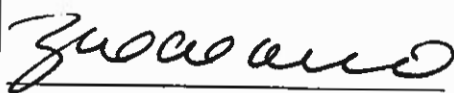
18 PASSED AND ADOPTED by the City Council/Community Development Commission of  
19 the City of Oceanside, California, this 15<sup>th</sup> day of December, 2021, by the following vote:5-0

20 AYES: SANCHEZ, KEIM, JENSEN, RODRIGUEZ, WEISS  
21 NAYS: NONE  
22 ABSENT: NONE  
23 ABSTAIN: NONE

24   
25 \_\_\_\_\_  
MAYOR OF THE CITY OF OCEANSIDE

26 ATTEST:

APPROVED AS TO FORM:

27   
28 \_\_\_\_\_  
CITY CLERK

  
\_\_\_\_\_  
CITY ATTORNEY

## Exhibit A

### "Suggested Modifications"

The underlined sections represent language that the Coastal Commission suggests be added, and the ~~struck-out~~ sections represent language which the Coastal Commission suggests be deleted from the language as originally submitted.

Revise Article 4a - Redevelopment Project Area (D-Downtown District) Use Classifications, Subsection 423 - Commercial Use Classifications, Section W - as follows:

- W. **Personal Improvement Services.** Provision of instructional services or facilities, including: photography, fine arts, crafts, dance or music studios; driving, business or trade schools; diet centers, or reducing salons; and health/fitness studios, spas or clubs.
- a. **Health/Club/Studio/Spa.** Establishments with equipment for exercise and physical conditioning. Facilities offering the use of exercise equipment for public use, and services such as, expertise and instruction for fitness training, weight loss, yoga and aerobics classes.
  - b. **Day Spa.** A day or full-service spa must provide at least four different types of services and all services must be provided on the premises during regular business hours and include some type of instructional service. These services may include any of the following: facial therapies, body treatments, hair removal, nail care, salon care, makeup application, permanent cosmetic makeup, skin care treatments, therapeutic massage, aromatherapy, hydrotherapy, and instructional services such as; nutritional counseling, weight management, stress management, medical evaluations, and fitness activities such as; private or personal fitness training, yoga, meditation, and retail products such as; skin and body care products, work out or spa clothing, juice bar, spa or health food cuisine, health food products.
  - i. All services shall be administered by licensed cosmetologists, estheticians or similar professionals and should offer a vast array of the highest quality skin, body, health care, and fitness services. At a minimum spa's establishment must be: clean, and safe environment; have private treatment rooms for clients receiving a personal service; business licenses; professional, licensed estheticians and

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therapists; professional spa products for which estheticians and therapists have received training in their use; and have showering and changing facilities for women and men (when necessary).

- c. Accessory Massage. Massage only permitted as an incidental use to a primary use listed above, ~~with a use permit~~ and must abide by all other City Ordinances and Codes.

**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



**Date:** March 3, 2022

**To:** **COMMISSIONERS AND INTERESTED PERSONS**

**From:** **JOHN AINSWORTH, EXECUTIVE DIRECTOR**

**Subject:** **EXECUTIVE DIRECTOR'S DETERMINATION** that the action by the City of San Diego, certifying the City's Local Coastal Program Amendment No. LCP-6-SAN-19-0142-2 (Fiesta Island), is adequate to effectively certify its local coastal program (for Commission review at its meeting of March 9, 2022)

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**BACKGROUND**

At its June 10, 2021 meeting, the Coastal Commission certified, with suggested modifications, the City of San Diego Local Coastal Program Amendment No. LCP-6-SAN-19-0142-2, regarding the Fiesta Island segment of the Mission Bay Park Master Plan. By its action adopting Resolution No. 313780 on November 23, 2021, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications addressed the conceptual development plan for the subareas of Fiesta Island and policies addressing native vegetation therein. The Mission Bay Park area is an area of deferred certification, with the Commission having coastal development permit authority over this geographic area, with Chapter 3 of the Coastal Act serving as the standard of review and the Mission Bay Park Master Plan serving as guidance.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of San Diego is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

**RECOMMENDATION**

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

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March 14, 2022

Mayor Todd Gloria  
City of San Diego  
202 C St 11<sup>th</sup> Floor  
San Diego, CA 92101

Re: Certification of the City of San Diego Local Coastal Program Amendment No. LCP-6-SAN-19-0142-2 (Fiesta Island)

Dear Mayor Gloria:

The California Coastal Commission has reviewed the City's Resolution No. 313780 together with the Commission's action of June 10, 2021 certifying City of San Diego Local Coastal Program Amendment No. LCP-6-SAN-19-0142-2 pertaining to updating the conceptual development plan for the Fiesta Island segment of Mission Bay Park. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of March 9, 2022.

By its action on November 23, 2021, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications addressed the conceptual development plan of Fiesta Island and policies regarding native vegetation. The Mission Bay Park area is an area of deferred certification, with the Commission having coastal development permit authority over this geographic area, with Chapter 3 of the Coastal Act serving as the standard of review and the Mission Bay Park Master Plan serving as guidance.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

For:  
John Ainsworth  
Executive Director

RESOLUTION NUMBER R- 313780

DATE OF FINAL PASSAGE NOV 23 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING CALIFORNIA COASTAL  
COMMISSION MODIFICATIONS TO THE FIESTA ISLAND  
AMENDMENT TO THE MISSION BAY PARK MASTER  
PLAN AND LOCAL COASTAL PROGRAM.

WHEREAS, on June 17, 2019, the City Council of the City of San Diego (City Council) held a public hearing for the purpose of considering the Fiesta Island Amendment to the Mission Bay Park Master Plan and Local Coastal Program and adopted the amendment; and

WHEREAS, the California Coastal Act (California Public Resources Code section 30000, et seq.) requires California Coastal Commission certification of a land use plan of a proposed local coastal program; and

WHEREAS, on June 10, 2021, the California Coastal Commission approved the Fiesta Island Amendment to the Mission Bay Park Master Plan and Local Coastal Program with modifications that address water quality, sea level rise, impacts to sensitive plant species and wetlands, protection of the least tern and salt marsh sites, and revegetation activities; and

WHEREAS, on July 15, 2021, the California Coastal Commission transmitted, in writing, to the City of San Diego (City), the modifications for adoption by the City Council; and

WHEREAS, on November 9, 2021, the City Council considered the California Coastal Commission modifications; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, as follows:

1. That this City Council approves the California Coastal Commission modifications to the City Council-adopted Fiesta Island Amendment to the Mission Bay Park Master Plan and Local Coastal Program.



2. That after adoption, the Mayor, or his designee, is authorized to submit this Resolution to the California Coastal Commission for final certification and incorporation into the City's certified Local Coastal Program.

3. That this Resolution shall not take effect until the date the California Coastal Commission unconditionally certifies these provisions as a local coastal program amendment.

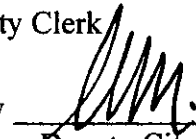
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Corrine L. Neuffer  
Corrine L. Neuffer  
Chief Deputy City Attorney

CLN:cm  
October 18, 2021  
Or.Dept: Planning  
Doc. No.: 2789034

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 09 2021.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 11/23/21  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 09 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 23 2021.

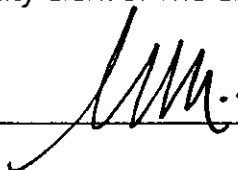
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313780