



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: December 4, 2013

REPORT NO. HO 13-058
(Revised)

ATTENTION: Hearing Officer

SUBJECT: OCEAN BEACH POLICE TRAILER
PTS PROJECT NUMBER: 303770

LOCATION: 5000 Newport Avenue

APPLICANT: City of San Diego Police Department

SUMMARY

Issue: Should the Hearing Officer approve the continued location of a City of San Diego Police Trailer at 5000 Newport Avenue within the Ocean Beach Precise Plan?

Staff Recommendation - APPROVE Coastal Development Permit No. 1064432

Community Planning Group Recommendation – On January 2, 2013, the Ocean Beach Planning Board heard and approved this project with an 8-1-0 vote. A second hearing was held on August 7, 2013 and the Board voted to approve the permit as presented with an expiration date of 5 years from when the permit is issued with the understanding that it be moved when a more suitable location can be found, preferably to the new lifeguard facility. 10-1-0 (Attachment 6 and 6B).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on March 11, 2013 and the opportunity to appeal that determination ended May 3, 2013 (Attachment 3).

BACKGROUND

The proposed project is located at 5000 Newport Avenue, within the CC-4-2 zone (Heavy Commercial and Residential), the Airport Influence Area for San Diego International Airport, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Appealable Area), the Parking Impact Overlay Zone (Beach and Coastal), and the Residential Tandem Parking Overlay Zone. The project site is designated as Community Commercial in the Ocean Beach Precise Plan (OBPP) (Attachment 1, 1B & 2).

In 1999, the San Diego Police Department (SDPD) lost the 29 year lease on their Police Storefront, which had been located at 5025 Newport Avenue. The "Police Storefront" location is called out in the OBPP and states that its main function is to serve as an accessible local office for civilian-police communication (OBPP, Pg 56) (Attachment 8). The loss of this lease prompted discussions between the Ocean Beach Mainstreet Association (OBMA) and the Police Department to further discussions about setting up a police presence at and around the Ocean Beach Pier parking lot in place of the storefront. Currently, the nearest police storefront is located in the Sports Arena area, and does not function for the use of Ocean Beach and its community.

When the storefront lease was lost, a "Trailer Taskforce" researched the options and concluded that a police trailer for officers to use as a satellite office in the Ocean Beach Pier parking lot, located at 5000 Newport Avenue, was the best solution. The OBMA was able to establish overwhelming support for the Police Trailer idea after, presenting to a community and merchant meeting, to the Ocean Beach Town Council on June 15, 1999, and to the Planning Board on July 21, 1999. On August 28, 1999, the OBMA dedicated the trailer to the SDPD and since then, the OBMA has paid the lease on the trailer for SDPD's use.

In May 2011, the Coastal Commission started receiving citizen complaints of the "unpermitted" police trailer obstructing four public parking spaces in the parking lot known as the Ocean Beach Pier Parking lot. Over the course of the next year, Commission staff worked with the City to revisit when the trailer was placed there and what was the primary purpose. On June 25, 2012, the San Diego Police Department received a formal "Notice of Violation" from the Coastal Commission, File number V-6-11-007, for the "unpermitted placement of the office trailer obstructing four beach access public parking spaces" (Attachment 7). This violation prompted the San Diego Police Department to seek a Coastal Development Permit from the City of San Diego's Development Services Department.

DISCUSSION

The existing office trailer measures 40'L x 11.5'H x 10'W, and occupies four parking spaces which are not considered "required parking" and is not within nor obstructs any designated view corridor, public, or emergency access points. The trailer, which may be replaced with a smaller unit, is eleven feet in height which is the average height of a recreational vehicle. The purpose of the trailer is to replace the lost storefront location and maintain a visible presence at the foot of Newport Avenue, a location known for illegal activity including drug sales, drug use, public drunkenness, violent assaults, noise complaints, and public vagrancy.

The property is zoned CC-4-2 zone (Heavy Commercial and Residential) and "Government" uses are one of the approved uses for this zone. The police trailer is recognized as a public facility and supported by the Department of Park and Recreation (Attachment 10). According to the Land Development Code (LDC), Public Facilities are not a "regulated use". The LDC allows the City the flexibility to site a public facility anywhere the City deems them necessary for public benefit. This is consistent with the placement of fire stations. The location of the trailer was studied and it was determined the current position was the best for visibility of officers, visibility to the public, location of utilities, and away from any walls or buildings that would allow individuals to climb on top of the structure.

The trailer has been used as a Command Post over the years for staging numerous operations and surveillance activities as well as, major holiday events throughout the year. Additionally, the Western Division's bicycle team uses the OB Police trailer as a storage location and starting point for their bicycle operations on a daily basis. This allows officers on bike to stay in the Ocean Beach area without having to transport bicycles four (4) miles from Western Division.

The OB Police Trailer also keeps regular patrol officers available in the Ocean Beach area while they write reports and make telephone calls. It's also a convenient location for officers and detectives to conduct victim and witness interviews.

The site is designated "Community Commercial" in the OBPP. Within the Public Facility Element of the OBPP (Police Protection Section, pages 55-57) the need and desire for increased police and community rapport is discussed. One of the long-term solutions towards the interaction between the police department and the community, were police storefront offices. The OB Police Trailer continues to implement the plan, as well as other goals and recommendations of the Police Protection section, by providing the citizens with a local office and having the police remain accessible to the public, as outlined in the OBPP (Attachment 8).

The Transportation Element of the OBPP (Page 72) recognizes that parking for recreational purposes is deficient in Ocean Beach. The Plan recommends "that beach user parking be accommodated through the development of a parking reservoir at the northern entrance to Ocean Beach and that a shuttle service be used to transport people from their cars to the beach". Staff recognizes that the police trailer does reduce the number of recreational parking by four spaces, but still allows for the northern parking area.

The Recreation Element of the General Plan (GP), Table RE-2, Park Guidelines, (page 12), lists provisions typically provided for in the various types of parks (Attachment 9). The table does not list parking as being one of the provisions for "Shoreline Parks and Beaches". Additionally, there is no minimum parking requirement or standard for beaches. Since there is no minimum requirement, the police trailer does not impact any "required" parking spaces.

The Ocean Beach Planning Board voted on the project on two occasions, once in January 2013 and again in August 2013. The Community Planning Group recommended that the OB Police trailer be abandoned and removed once a more permanent and suitable location and/or facility is found. The San Diego Police Department will actively seek a new location which meets both the

needs of the community and the Department. This Coastal Development Permit, if approved, has been conditioned to expire within five years from the date of the approval.

CONCLUSION

Staff has reviewed the continued placement of the City of San Diego Police Trailer located at 5000 Newport Avenue and found it to be consistent with the applicable land use regulations and policy documents in affect for the site pursuant to the General Plan, the Ocean Beach Precise Plan and the Land Development Code.

ALTERNATIVE

1. Approve Coastal Development Permit No. 1064432, with modifications.
2. Deny Coastal Development Permit No. 1064432, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Helene Deisher, Development Project Manager

Attachments:

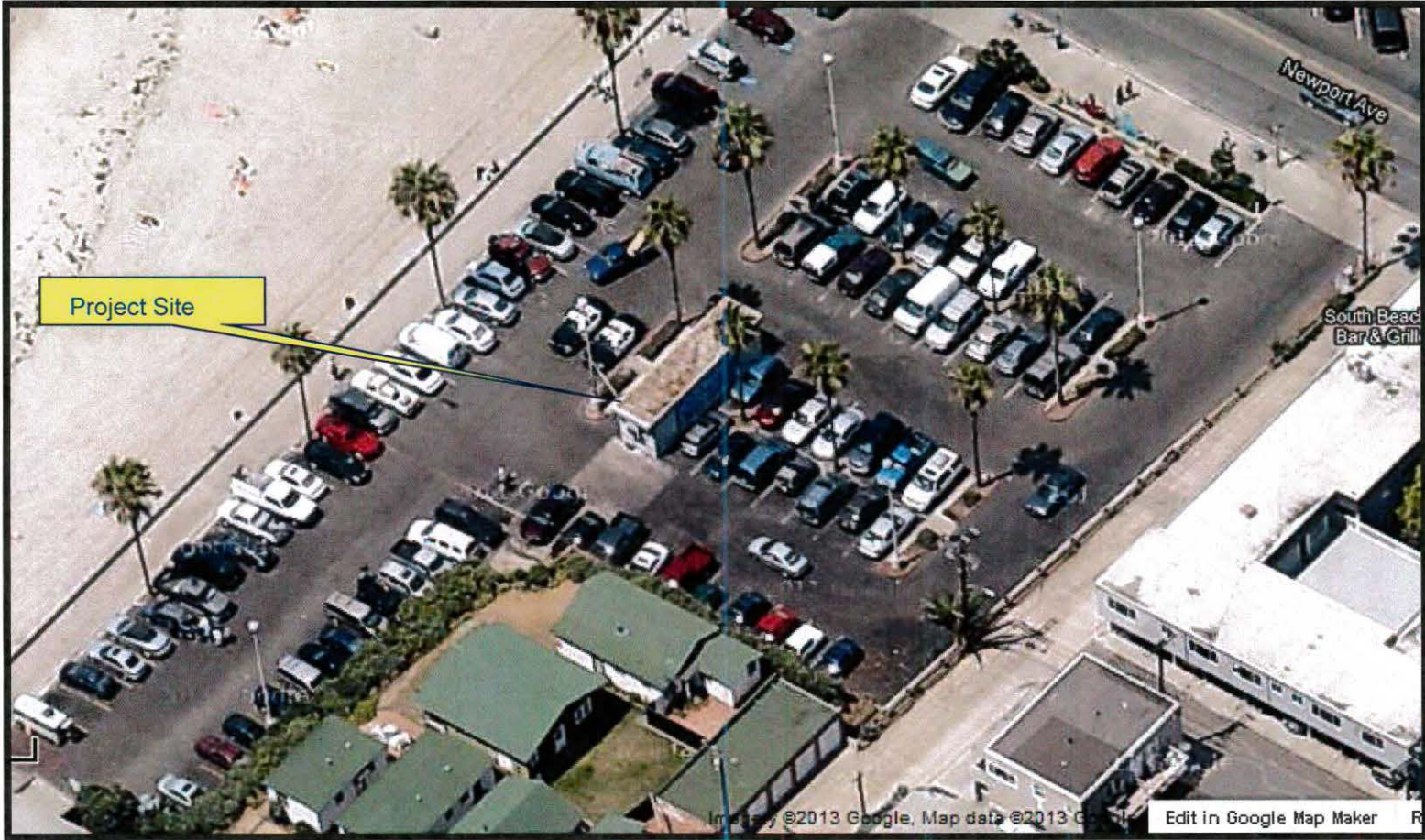
1. Aerial Photograph (1 & 1B)
2. Community Plan Land Use Map Project Location Map
3. Environmental Exemption
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions
6. Community Planning Group Recommendation (6 & 6B)
7. Notice of Violation
8. Ocean Beach Precise Plan excerpt
9. General Plan Table RE-2 Park Guidelines
10. Letter of Support from the Department of Park and Recreation
11. Project Site Plan(s)



Location Aerial Photo

OB POLICE TRAILER- 5000 NEWPORT AVENUE
PROJECT NO. 303770

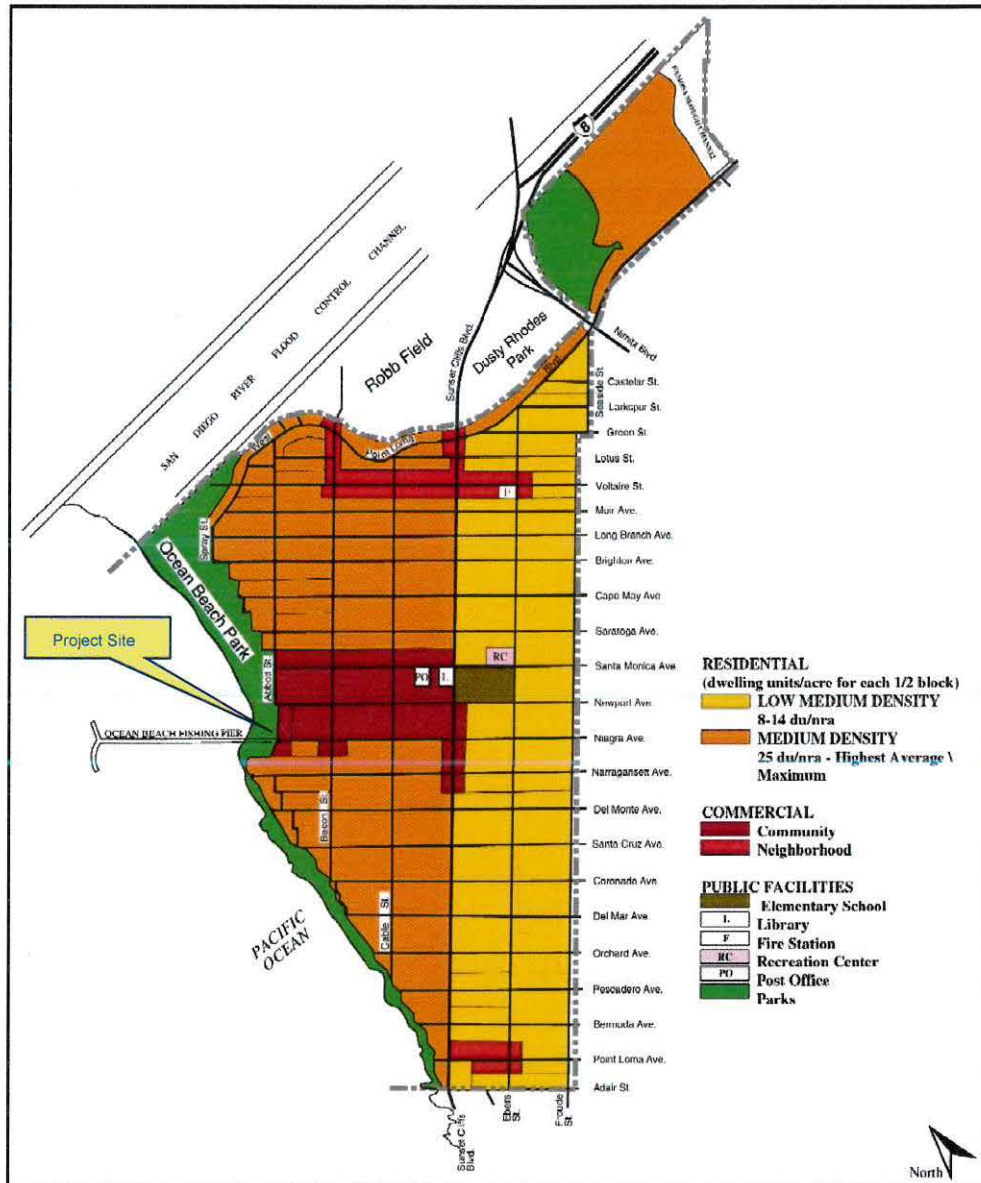




Location Aerial Photo

OB POLICE TRAILER- 5000 NEWPORT AVENUE
PROJECT NO. 303770





Community Plan Land Use
Ocean Beach Community Plan Area
City of San Diego Planning Department



Land Use Map

OB POLICE TRAILER- 5000 NEWPORT AVENUE
PROJECT NO. 303770



NOTICE OF EXEMPTION

(Check one or both)

TO: RECORDER/COUNTY CLERK
 P.O. BOX 1750, MS A-33
 1600 PACIFIC HWY, ROOM 260
 SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
 DEVELOPMENT SERVICES DEPARTMENT
 1222 FIRST AVENUE, MS 501
 SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH
 1400 TENTH STREET, ROOM 121
 SACRAMENTO, CA 95814

PROJECT NO.: 303770**PROJECT TITLE: OB POLICE TRAILER**

PROJECT LOCATION-SPECIFIC: The project is located within the existing Ocean Beach Municipal Fishing Pier Parking lot in the 5000 Block of Newport Avenue within the CC-4-2 Zone of the Ocean Beach Community Planning Area, Coastal Zone (Appealable). Council District 2.

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: COASTAL DEVELOPMENT PERMIT to allow for the continued use of an existing police office trailer within the Ocean Beach Municipal Fishing Pier Parking lot at the foot of Newport Avenue. The existing police trailer has been in this location since 1999 at request of the Ocean Beach Mainstreet Association (OBMA) formerly the Ocean Beach Merchants Association after the San Diego Police Department lost a 29 year lease for the Ocean Beach Police Storefront at 5025 Newport Avenue. The trailer establishes a visible police presence in the community; specifically at the foot of Newport Avenue, an area which was known for illegal activity including drug sales, public drunkenness, violent assaults, noise complaints and public vagrancy. The trailer has been leased by the OBMA since its dedication in August 1999 and is used as a command post for major holiday events, as storage for the Western Division's bicycle team and on a daily basis for officers and detectives for surveillance and to conduct victim and witness interviews and investigations.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Natalie Stone, Lieutenant, City of San Diego Police Department, Western Division, 5215 Gaines Street, San Diego, CA 92110 Tel: 619- 692-4804

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);
- DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
- EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
- CATEGORICAL EXEMPTION: 15301 (Existing Facilities)
- STATUTORY EXEMPTIONS:


REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review which determined that this project meets the Categorical Exemption criteria set forth in CEQA Section 15301 which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible to no expansion of use beyond that existing at the time of the lead agency's determination; and where the project does not trigger any of the exceptions to categorical exemptions found in State CEQA Guidelines, Section 15300.2.

LEAD AGENCY CONTACT PERSON: MYRA HERRMANN

TELEPHONE: 619-446-5372

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
 YES NO



SENIOR PLANNER

MARCH 11, 2013

DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
 SIGNED BY APPLICANT

DATE RECEIVED FOR FILING AT OPR:

HEARING OFFICER RESOLUTION NO. XXX
COASTAL DEVELOPMENT PERMIT NO. 1064432
OCEAN BEACH POLICE TRAILER PROJECT NO. 303770

WHEREAS, the City of San Diego, Owner, and San Diego Police Department, Permittee, filed an application with the City of San Diego for a permit to permit the placement of a San Diego Police trailer at 5000 Newport Avenue within the Ocean Beach Public Parking lot adjacent to the Pier (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1064432);

WHEREAS, the project site is located at 5000 Newport Avenue in the CC-4-2 zone of the Ocean Beach Precise Plan;

WHEREAS, on December 4, 2013, the HEARING OFFICER of the City of San Diego considered Coastal Development Permit No. 1064432 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on March 11, 2013, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 (Categorical Exemption) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

NOW, THEREFORE, BE IT RESOLVED by the HEARING OFFICER of the City of San Diego as follows:

That the HEARING OFFICER adopts the following written Findings, dated December 4, 2013:

Coastal Development Permit - Section 126.0708

1. **The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The proposed project is to allow for the continued use of the existing San Diego Police trailer at 5000 Newport Avenue within the Ocean Beach Public Parking lot adjacent to the Pier. The existing office trailer measures 40'L x 11.5'H x 10'W, and occupies four parking spaces which are not considered "required parking" and is not within and does not obstruct any designated view corridor, public or emergency access or residential or commercial views to the Ocean. The unit is no larger than a recreational vehicle. When the Ocean Beach SDPD storefront office was closed 1999 due to City-wide budget constraints, the Police Trailer was an alternative solution to serve as a replacement for the office. The Police trailer serves to implement many of the recommendations of the Ocean Beach Precise Plan such as, continuing to present programs from the Police Community Relations section of the City Police Department. The trailer also serves as a Police presence in the area which had been previously plagued by illegal activity including drug sales, drug use, public drunkenness, violent assaults, noise complaints, and public vagrancy.

The trailer protects and enhances public views by creating a safe atmosphere for families and visitors to access this coastal area. However, the permit is conditioned to expire in 5 years. San Diego Police Department has agreed to relocate the trailer within the next five years.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The proposed project is to allow the continued placement of a San Diego Police trailer on 5000 Newport Avenue within the Ocean Beach Public Parking lot adjacent to the Pier. The existing office trailer measures 40'L x 11.5'H x 10'W and is located within an existing parking lot. The unit is self contained and not a permanent structure and does not affect any environmentally sensitive lands as defined by the Land Development Code.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The proposed project is to allow for the continued use of the existing San Diego Police trailer at 5000 Newport Avenue within the Ocean Beach Public Parking lot adjacent to the Pier. The existing office trailer measures 40'L x 11.5'H x 10'W, and occupies four parking spaces which are not considered "required parking" by the Land Development Code under the General Plan.

The California Coastal Commission approved the Ocean Beach Precise Plan June 21, 1979. The Public Facility Element of the Ocean Beach Precise Plan (OBPP) (Police Protection Section, pages 55-57) calls out the need and desire for increased police and community rapport. One of the long-term solutions towards the interaction between the police department and the community, were police storefront offices. The OB Police Trailer continues to implement the plan, as well as other goals and recommendations of the Police Protection section, by providing the citizens with a local office and having the police remain accessible to the public, as outlined in the OBPP.

The Transportation Element of the OBPP (Page 72) recognizes that parking for recreational purposes is deficient in Ocean Beach. The Plan recommends "that beach user parking be accommodated through the development of a parking reservoir at the northern entrance to Ocean Beach and that a shuttle service be used to transport people from their cars to the beach". Staff recognizes that that the police trailer does reduce the number of recreational parking by four spaces, but still allows for the northern parking area.

The trailer height duplicates that of an RV and will be held there temporarily (in the parking lot) until a permanent location can be identified. The proposed project would not impact any coastal view noted in the plan or otherwise. Therefore, the proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project is to allow for the continued use of the existing San Diego Police trailer at 5000 Newport Avenue within the Ocean Beach Public Parking lot adjacent to the Pier. The site is within the first public roadway and the Pacific Ocean. The existing office trailer measures 40'L x 11.5'H x 10'W, and occupies four parking spaces and is not within or obstructing any designated view corridor, public or emergency access or residential or commercial views to the Ocean.

The trailer height duplicates that of an RV and will be held there temporarily (in the parking lot) until a permanent location can be identified. Section 30211 of the California Coastal Act requires that no development interfere with the public's right of access to the sea, the use of dry sand and the use of rock coastal beaches up to the first line of terrestrial vegetation. The purpose and intent of Section 30211 is to ensure that the public can access the sea and its associated rock coastal beaches. The Office trailer does not inhibit any access to the ocean. To allow the continued placement of the existing San Diego Police office trailer within the Ocean Beach Public Parking lot adjacent to the Pier, would comply as there are no minimum parking requirements or standards for beaches stated in the Plan. Since there is no minimum parking requirement, the police trailer does not impact any required parking spaces. It is also not located in an area that obstructs public or emergency access. The police presence will help protect public views, access and safety along the ocean. Therefore the project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the HEARING OFFICER, COASTAL DEVELOPMENT PERMIT NO. 1064432 is hereby GRANTED by the HEARING OFFICER to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1064432 a copy of which is attached hereto and made a part hereof.

Helene Deisher
Development Project Manager
Development Services

Adopted on: December 4, 2013

Internal Order Number 21003029

RECORDING REQUESTED BY
 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES
 PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

IO. No. 21003029

OCEAN BEACH POLICE TRAILER PROJECT NO. 303770
COASTAL DEVELOPMENT PERMIT NO. 1064432
 Hearing Officer

This Coastal Development Permit No. 1064432 is granted by the Hearing Officer of the City of San Diego to the City of San Diego, Owner, and San Diego Police Department, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The site is located at 5000 Newport Avenue in the CC-4-2 zone and designated Community Commercial within the Ocean Beach Precise Plan.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to permit the placement of a San Diego Police trailer at 5000 Newport Avenue within the Ocean Beach Public Parking lot adjacent to the Pier and subject to the City's land use regulations described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 4, 2013 on file in the Development Services Department.

The project shall include:

- a. Maintain an existing SDPD trailer (40' x 11.5' x 10') located within the Ocean Beach Pier Parking Lot. The police trailer occupies four parking spaces in the southwestern portion of the lot.
- b. Office trailer may be reduced in size.
- c. This permit will expire five years from the date of approval (December 4, 2018)

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit will expire December 4, 2018.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

PLANNING

11. This facility shall be abandoned and removed once a suitable location/facility is found to the satisfaction of the Owner/Permittee and the Development Services Department.

12. When the facility is removed the Owner/Permittee shall return the premises to its original condition as a parking lot. This shall include, but is not limited to new pavement and striping, as needed.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on December 4, 2013 and Resolution Number XX.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Helene Deisher
Development Project Manager

Permit Type/PTS Approval No.: Coastal Development Permit 1064432/303770
Date of Approval: December 4, 2013

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

[San Diego Police Department]
Permittee

By _____
NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

OCEAN BEACH PLANNING BOARD GENERAL MEETING MINUTES

JANUARY 2, 2013

6:05 PM: Meeting called to order by Chairperson Jane Gawronski. Board members present, Tom Gawronski, Bill Bushe, Scott Thersalen, Landry Watson, Giovanni Ignolia, BarbaraSchmidtknecht, Peter Ruscitti

Agenda Modification and Approval: Motion made by Giovanni Ignolia and seconded by Peter Ruscitti to approve agenda. 9-0-0

Minutes modification and approval: Minutes from December 5, 2012 was delayed to be approved in February 2013.

Treasurer Report: \$79.28

Councilmember Kevin Faulconer Report: Micheal Patton provided information about the 400 Palm tree trim on Santa Barbara avenue, Sunset cliff Boulevard, and Newport Avenue. He also mentioned the fund for the OB Gateway fell \$20,000 short of the bid that came in. And lastly, will work with anyone who would like to purchase a Memorial Bench.

Item #001-Action Item

Sprint Wireless Antennae Site Upgrade/Renewal-(1711 Sunset Cliffs)-

Megan Murphy, a representative from Sprint, requested a renewal of existing permit for upgrade of wireless communication antennas.

Motioned by Giovanni Ignolia and seconded by BarbaraSchmidtknecht. Motion passed 9-0-0.

Item #002-Action Item

SD Police Department Trailer Facility-OB Pier Parking lot

This Police Trailer has been in it's same location since 1999, however it is in violation of a Coastal Development Permit, which is being remedied.

Many members in the community came by to support the location of the Police Station.

Denny Knox – OBMA(Ocean Beach Main Street Accociation) –A big support in having the Police Trailer located where it's at.

Craig Klein-Police presence is a definite deterant to crime

Julie Klein-Trailer stays in the existing location.

Vince Adame, community member, spoke in opposition to the location of the trailer and indicated he would research finding an alternate location.

Bill Bushe moved and Tom Gawronski seconded to approve the application for a Coastal Development Permit for existing Police Office Trailer in the Pier Parking Lot, with an addendum that the community find a more suitable and permanent location for the trailer. 8-1-0

OBHS-Joe Ewing will be presenting on January 17, 2013

OBTC- Design Committee for Veteran Plaza, an Architect is being selected and a new vision for Coastal is happening.

OBMA-Annual Marketing Breakfast and Christmas lights contest

Crime Committee- January 15th at 8:30am

8:35- Adjourned

Minutes of the Ocean Beach Planning Board General Meeting 8/7/13

6:09: Meeting called to order. Present: Scott Therkalsen, Tom Gawronski, Giovanni Ingolia, Pete Ruscitti, Raeanon Hartigan, Andrew Waltz, Bill Bushe, Ronson Shamoun, Ginese Quann, C. Kevin Becker came in after agenda approval, John Ambert joined the board later, Ronnie left after action item 3.

Agenda approved 9-0-0

Minutes approved with modification 9-0-1

Relevant Representative Reports: Oversized vehicle ordinance has moved on to the Coastal Commission.

Action Item 1- John Ambert is appointed to the board 10-0-0

Action Item 2- SD Police Department Trailer Facility.

Lieutenant Stone provided background on the item: the trailer is a rental agreement run by OB main street association for the use of the Police Department. The trailer was installed as a temporary stop-gap measure when the police lost the storefront they had occupied on Newport Avenue. The trailer has been in place since 1999. The Coastal Commission has requested that the trailer be permitted. The last time this board saw this item it voted to approve the trailer until a better solution could be found. Because of an error in noticing this permit is before the board again today.

Public Comment – Craig and Julie Klein, and Denny Knox spoke in favor of keeping the trailer. Vince Adame and 2 others spoke against keeping the trailer in the current location.

1 member suggested the board be proactive and look for a better site.

Board Comment - Gio – the movement of the trailer is addressed in the precise plan and funding to include a police substation within a new lifeguard station is included within the Capital Improvement Projects report. We shouldn't focus on the trailer, instead we need to prioritize getting a new lifeguard tower to move the police substation into.

Later added a friendly amendment to C. Kevin Becker's motion limiting permit to 5 years and favoring a police/lifeguard combination structure.

Bill – reiterates that he is in favor of a police presence, would like a tour of the trailer.

Rae – Asked if the permit sought was temporary or permanent; noted that, although not the wording in the current application, it is possible to approve something on a temporary basis.

Later comment on the motion: said she would feel comfortable seeing what things are like in 5 years and would not be supportive again if plans for a new station are not in the works at that time

Tom – Noted that all these issues have been covered before, said the trailer needs to be where it is and no other options exist.

Scott – Noted that the last outcome of this item involved installing signage and working to find a better location, said that neither of these had been done. Said he felt since the temporary

trailer has been in place 14 years it won't be moved unless the issue is forced; recommended a very limited (2 year) permit to force community to find a solution.

Comment on the motion: said it was a copout delaying any real solution, favors a more time restrictive permit.

Ginese – wanted to know if all other options had been fully investigated. Was informed that no landlords will rent storefronts and that the police would accept a smaller version of the trailer and would move it to a different location but those options would cost money and take time.

Pete –comment on the motion: said we need to balance the needs of the community and yes a better place needs to be found but right now approving it is better than turning the police away from Ocean Beach.

Motion by C. Kevin, seconded by Ronnie to approve the permit as presented with an expiration date of 5 years from when the permit is issued with the understanding that it be moved when a more suitable location can be found, preferably to the new lifeguard facility. 10-1-0

Action Item 3 – Public Facilities Financing Plan

Oscar gave a presentation explaining the plan. The board chose the \$6,000 DIF fee for new development instead of the \$20,000 DIF fee in order to support possibilities for lower income builders. There have been some updates to the plan very recently, these have been vetted by the subcommittee and the OBPB financing subcommittee recommends approval. Pete explains that the prioritization list will be revisited in Fall 2013 so the document can still be changed.

Ginese moves to approve the Public Facilities Financing Plan, seconded by Rae 11-0-0

Discussion Item 1 – OB Precise Plan, CIP Priority List, OBCP Meeting

OB Town Council would like to hold a public forum, we suggest it be held in September. The board will review the final comments at the October board meeting

Steve had some public comments on the OB Precise Plan: the new parking IDEAS within the new plan are less specific than they are in the old plan. Specifically he noted tandem parking should be increased outside of the current overlay zone he noted tandem parking should be recommended for all OB.

CIP Priority list will be coming back to the board in the Fall.

Action Item 4 – Social Media Accounts

Pete reports that other organizations in town have accounts and this board has discussed the issue in the past and decided it was worth moving forward with with the understanding that our discussions/responses will occur at the official board meetings.

Gio Moves to let Pete set up Social Media accounts (Facebook and Twitter), seconded by Scott 10-0-0

Relevant board announcements: Historical Society and Italian fishermen!

Motion to adjourn by Pete (8:10), seconded by Rae. Approved 10-0-0

CALIFORNIA COASTAL COMMISSION

San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402
(619) 767-2370

**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT**

July 25, 2012

Dan Danieri
City of San Diego
District Manager Park & Recreation
202 C Street, MS 39
San Diego, CA 92101

Violation File Number: V-6-11-007

Property Location: Ocean Beach Pier Public Parking Lot, Community of Ocean Beach, City of San Diego

Violation Description: Unpermitted placement of office trailer obstructing four beach access public parking spaces.

Dear Mr. Danieri:

Thank you for taking the time to speak with me on June 5, 2012 regarding the placement of an office trailer in the Ocean Beach Municipal Pier Public Parking Lot ("parking lot"); located within the Coastal Zone. It is our understanding that the subject trailer is used by the City of San Diego Police Department to maintain a police presence in the area and its continued placement is funded by the Ocean Beach Main Street Association. As I mentioned to you during our conversation, we continue to receive complaints from the public regarding the unpermitted placement of the trailer and would like to discuss resolution of the matter with you.

Background

In May 2011, Commission staff received citizen complaints that the placement of an office trailer in the Ocean Beach Pier parking lot obstructs four public parking spaces in the public parking lot. After confirming the presence and location of the trailer in July 2011, Commission staff conducted a review of historic aerial photographs to determine when the trailer was placed. The trailer appears to have been placed sometime between 1994 and 2000 and, as of the date of this letter, apparently has not been moved.

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City of San Diego; Ocean Beach Trailer
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Commission staff then contacted the San Diego Development Services Department to determine the ownership and permitting history of the trailer. Staff was directed to the Assistant Chief of Police, Boyd Long, who confirmed that the City owned the trailer. After discussing the unpermitted trailer with Mr. Long, staff was subsequently contacted by the Deputy Director in Neighborhood Code Compliance, Robert Vacchi. Mr. Vacchi expressed his opinion that the trailer is "mobile, temporary, and a commercial coach," not a permanent structure, and therefore exempt from coastal development permitting requirements. Mr. Vacchi also reported that the trailer is used by the City of San Diego Police Department to write reports, store bikes, and as a mobile dispatch unit for police officers.

On March 20, 2012, Mr. Vacchi asked whether Commission enforcement staff had outlined its position on the matter. We assured him that a letter would be forthcoming. As mentioned previously, this matter has been the subject of continued public complaints directed to the Commission, but this area is within the Local Coastal Program ("LCP") jurisdiction of the City. For this reason, Commission enforcement staff contacted you, on June 5, 2012, to discuss the City's proposed resolution of the matter. At that time, Commission staff was unaware that the City had already formalized its position on the matter by concluding that no coastal development permit was required for the subject trailer in a letter addressed to a member of the public (Vincent Adame) dated August 2, 2011. On June 6, 2012, I received a copy of said letter (forwarded to me by you) written by Mr. Vacchi.

Mr. Vacchi states in his letter that the trailer is "temporary" and was installed for public use on public land that occupies four parking spaces in a public parking lot. Review of Commission and City permit history reveals that no City or Commission-issued coastal development permit authorized the placement of the subject office trailer that is located in the Coastal Zone and within the City's LCP jurisdiction.

As you may be aware, "development" is broadly defined in both the Coastal Act and the City's Municipal Code:

Section 30106 of the Coastal Act states:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of water, or of access thereto;

construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvest of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations...."

Section 113.0103 of Chapter 11, Article 3, Division 1 of the City's Municipal Code states:

Coastal development means "development" as defined in the California Coastal Act of 1976, Section 30106 in the Coastal Overlay Zone, which states "development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes and kelp harvesting. As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Thus, the subject trailer is "development" as defined by both the Coastal Act and the City's LCP. Additionally, the subject trailer is occupying four public beach access parking spaces in its current location. As you are probably aware, public beach parking is in short supply in this specific area and is further strained by placement of the subject trailer.

The City has characterized the placement of the subject trailer as "temporary". A temporary structure is a non-permanent structure for a use of limited duration. It is our understanding that the subject trailer has been at its current location for about 8 years and that there are no plans for its removal in the near future. Therefore, the subject trailer is not a "temporary" structure. Moreover, it has not been authorized by any CDP and, therefore, its continuing placement is unpermitted development in violation of the Coastal Act and the City's LCP.

Pursuant to Section 126.0708 (a)(1) of the City's Land Development Code, when reviewing a coastal development permit application, the City must make findings that the proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public. This requirement of the review process applicable to CDP applications further supports the notion that a coastal development permit is necessary for the subject trailer, because it encroaches upon a physical accessway that is legally used by the public both to park their cars and access the sandy beach areas of Ocean Beach.

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City of San Diego; Ocean Beach Trailer
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Additionally, the trailer's continued presence in the current location raises concerns regarding public access and visual impacts. The trailer is located in a manner and location that blocks the public's view of the ocean from multiple locations in the parking lot and from the public street. As you may know, both the Coastal Act and the City's LCP protect public ocean views.

Finally, the Ocean Beach Precise Plan ("Precise Plan") notes that available recreation parking in Ocean Beach is "perhaps, the most serious deficiency problem." The Precise Plan states the available public parking is not nearly enough to serve the users of the pier and the beach. The Precise Plan specifies that it is of primary importance to provide access to Ocean Beach Park, adjacent to the subject parking lot, to all who wish to use it. This underscores why this particular situation has garnered attention, and warrants a closer look and an attempt to maximize public access in this location.

The coastal development permitting requirements, public access policies, and view protection policies of the City's LCP and the Coastal Act support the finding that the subject trailer is unpermitted development and its placement in its current location must be reviewed through the coastal development permitting process.]

Resolution

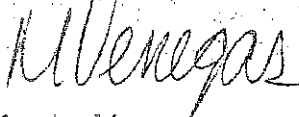
The aforementioned office trailer is located within the jurisdiction of the City of San Diego and was placed and is used by the City of San Diego. Therefore, the City is both an involved party, and the authorizing authority. In order to resolve this matter, the Commission requests that the City either authorize the trailer through the coastal development permitting process or remove the trailer and restore the parking lot for public use.

While we are certain that this matter can be resolved amicably, and would be more than happy to discuss options to do so, please be advised that Section 30810(a) of the Coastal Act provides that the Commission may issue an order to enforce the requirements of a certified LCP in the event that the local government requests the Commission to assist with or assume primary responsibility for issuing such an order, if the local government declines to act or fails to act in a timely manner to resolve the violation after receiving a request to act from the Commission, or if the local government is a party to the violation.

Thank you for your attention to this matter. We look forward to working with you and City staff to resolve this matter quickly and amicably. If you have any questions regarding this letter, please feel free to contact me at (619) 767-2370. We are available to meet with City staff to discuss this matter further and appreciate your assistance in resolving this matter.

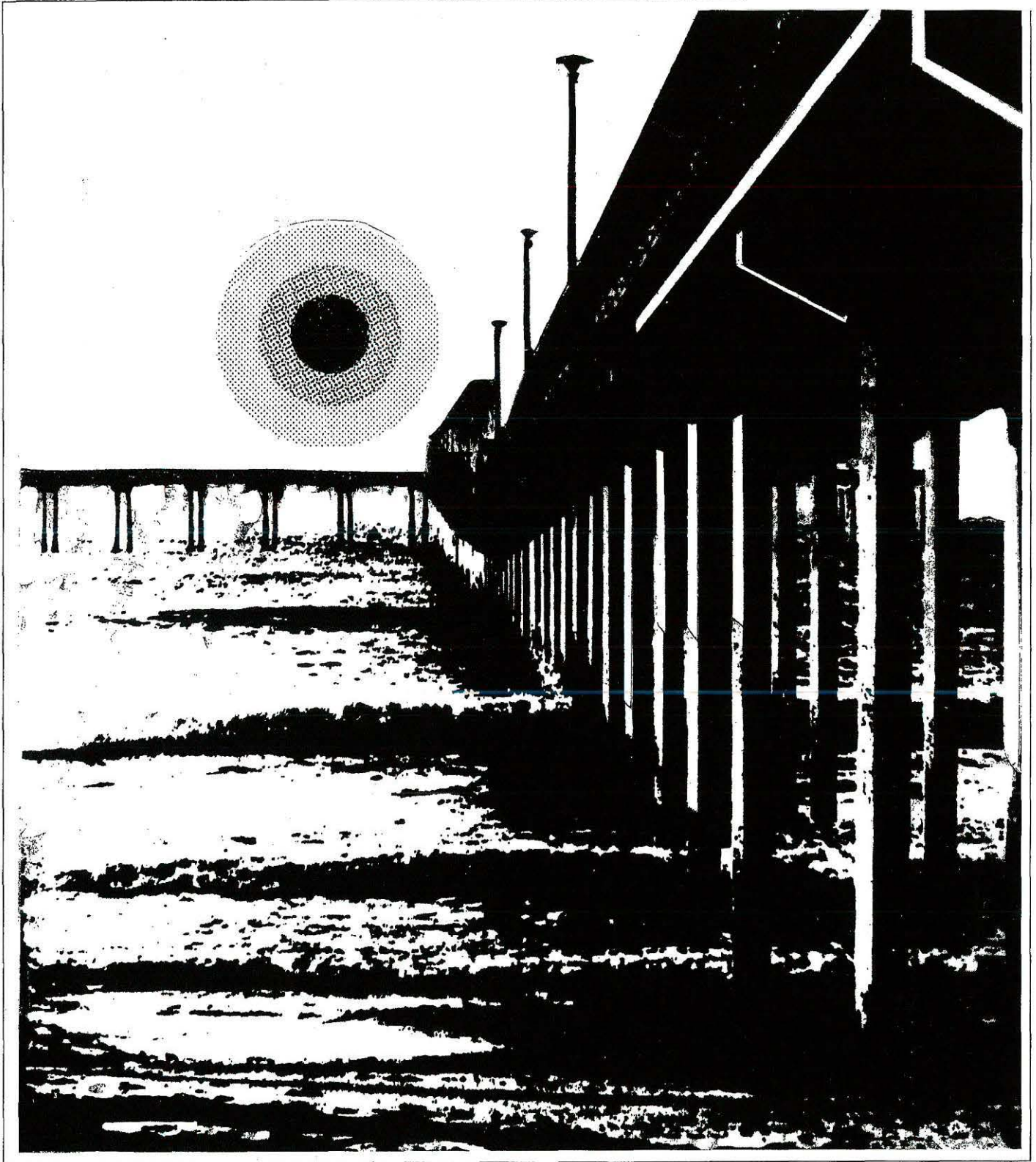
V-6-11-007
City of San Diego, Ocean Beach Trailer
Page 5 of 5

Sincerely,



Marsha Venegas
San Diego District Enforcement

cc: Lisa Haage, Chief of Enforcement, CCC
Sherilyn Sarb, Deputy Director, CCC
Patrick Veasart, Southern California Enforcement Supervisor, CCC
Lee McEachern, District Regulatory Supervisor, CCC
Alex Helperin, Staff Counsel, CCC
Robert Vacchi, Code Compliance Deputy Director, City of San Diego
Kelly Broughton, Director, Development Services
Assistant Chief Boyd Long, SDPD Administration



**OCEAN BEACH PRECISE PLAN
AND LOCAL COASTAL PROGRAM ADDENDUM**

OCEAN BEACH PRECISE PLAN

The Planning Commission, on April 2, 1975, approved the Ocean Beach Precise Plan under Resolution No. 277, and concurrently approved amendment of the Peninsula Community Plan and the Progress Guide and General Plan Map by Resolution Nos. 278 and 279 respectively.

The San Diego City Council, on July 3, 1975, adopted this Ocean Beach Precise Plan and concurrently amended the Peninsula Community Plan by Resolution No. 213739.

REPRINT JUNE 1978
REPRINT JANUARY 1985

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CITY PLANNING DEPARTMENT

Jim Goff, Director
Jack Van Cleave, Assistant Director
Max Schmidt, Supervising Planner

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branch of the clinic, or a completely independent operation, in Ocean Beach as the need arises.

To help prevent only public health problems in the community, educational programs out of the County Public Health Department covering such concerns as proper refuse disposal, mosquito control, home care, and pet care should be implemented and maintained. Of course increased private maintenance of homes and pets must be relied upon as the mainstay of public health, and is encouraged.

Summary of Plan Recommendation

- o That the Beach Area Community Clinic in Mission Beach continue to receive expanded City, County and Federal funds and grants.
- o That consideration be given to establishing a Free Clinic or medical clinic branch in Ocean Beach as the need arises.
- o That public informational programs concerning proper refuse disposal and pet care be maintained by the County Department of Public Health.
- o That the public be encouraged to increase home and job maintenance and cleanliness and pet care.

POLICE PROTECTION

Even in theory, the Police function is a complex and controversial governmental operation. As an applied reality, even though no one can dispute the need for a peace keeping and law enforcement organization in modern urban areas, neither can anyone deny the complex moral, ethical and sociological consequences of such a centralized police presence in any neighborhood. In Ocean Beach, the situation is compounded by a civilian population composed of highly diverse social classes in a small area and by recent historical events creating animosity between police and individual segments of the community.

The resolution of police-community rapport problems are at least as complex as the problems themselves, and in total are beyond the scope of this plan. Basically, however, these problems and their resolution are in the nature of improved communication. A need exists for real (as opposed to superficial) understanding between civilian and police personnel, and between the different civilian factions in the community. Such communication and contact must be long-term, and must encompass personal attitudes as well as professional duties. A number of programs through the Police Department already exist to help achieve those ends. These include the Youth Ride-A-Long Program, the Chaplain's Patrol, and the Storefront Offices.

The Ocean Beach Community has a storefront office located on Newport Avenue. This facility's main function is to serve as an accessible local office where civilian-police communication can center. According to the Police Department storefront office should insure:

- the provision of citizens with a local office removed from the police station, where problems can be discussed
- the development and increased involvement between police and the community in problem areas
- the provision of a place where rumors can be dispelled or verified
- the development of an awareness in the neighborhood of the necessity for mutual cooperation and understanding in the maintenance of law and order
- the provision of an additional channel for the exchange of ideas between the community and the chief of police.

Goals

- o The continued provision of adequate police protection to insure the rights and well being of citizens in Ocean Beach.
- o The reduction and eventual elimination of crime in Ocean Beach through the elimination of those conditions leading to its occurrence.
- o The increase of mutual communication and understanding between police and all population segments of Ocean Beach.

GENERAL RECOMMENDATIONS

While a regular police force must continue to operate in Ocean Beach, this force can become a more familiar and accepted community presence. The present programs of the Police Community Relations Section of the Department should continue. The Storefront Office in Ocean Beach especially should be maintained.

Besides these programs, further measures should be taken to increase police-civilian communication in Ocean Beach. Like the Community Profile Project in the Northern Division of the City, Ocean Beach should consider having officers assigned to a longer tour of duty rather than the present three month shifts. If practical, walked beats should be revived. These steps should create a greater familiarity between officers and local persons, and enable officers to operate in any given situation on a more knowledgeable basis. Further, workshops and social situations should be encouraged to promote communication during off-duty and after work hours. Work-shops have occurred in the past, but have not been

organized with any recurring regularity. Generally, both police personnel and community residents should make a continuing effort to understand rather than react on an emotion level.

Summary of Plan Recommendation

- o That present programs of the Police Community Relations section of the City Police Department continue.
- o That the police-community relations office in Ocean Beach be maintained as such.
- o That rather than 3-month shifts of duty, consideration should be given to assigning officers in Ocean Beach to longer tours of duty.
- o That walked beats be considered for officers in Ocean Beach.
- o That police-community workshops, and off-duty or after-work social get-togethers be created to increase police-community communication.

GENERAL PLAN

Table RE-2 Parks Guidelines¹

Category	Park Type	Guidelines	Typical Components ²
Open Space	Open Space and Resource-Based		
	Open Space	<ul style="list-style-type: none"> • City-owned land, canyons, mesas, and other natural landforms, exclusive of shorelines • Serves single or multiple community plan area(s) population(s) • Provides habitat protection 	<ul style="list-style-type: none"> • Trails, staging areas, outlooks, viewpoints, picnic areas
Resource-Based	Regional Parks	<ul style="list-style-type: none"> • Serves regional resident and/or visitor population • Developed amenities should not impair the distinctive features or resources • Provides habitat and resource protection • Development for recreation use is typically controlled by a master plan 	<ul style="list-style-type: none"> • Located at the site of distinctive scenic, natural, historical or cultural features • Resource-based Parks such as Balboa Park, Mission Bay Park, and Sunset Cliffs Natural park • Regional Parks such as Mission Bay and Otay Valley
	Shoreline Parks and Beaches	<ul style="list-style-type: none"> • Serves regional resident and/or visitor population • Developed amenities should not impair the distinctive features or resources • Provides habitat and resource protection • Development for recreation use is NOT typically controlled by a master plan 	<ul style="list-style-type: none"> • Could include facilities found in Community Parks • Comfort stations with shower or changing rooms • Lifeguard facilities
Population-Based Park	Community Parks – Qualify to meet 2.8 ac/1000 population minimum standard		
	Major Park	<ul style="list-style-type: none"> • 20 acres minimum; approximately 30 acres typical • Serves single or multiple community plan area(s) population(s) • Parking provided 	<ul style="list-style-type: none"> • Specialized facilities that serve larger populations • Passive and active recreation facilities • Facilities found in Community Parks • Could include facilities found in Special Activity Parks • Community cultural facilities • Also called “Great Parks” or “Grand Parks”
	Community Park	<ul style="list-style-type: none"> • 13 acre minimum (consistent with program and facilities on-site) • Serves population of 25,000 • Typically serves one community plan area but depending on location, may serve multiple community planning areas • Parking provided 	<ul style="list-style-type: none"> • Passive and active recreation facilities • Facilities found in Neighborhood Parks • Could include facilities found in Special Activity Parks • Community cultural facilities • Recreation centers • Aquatic complexes • Multi-purpose sports fields



M E M O R A N D U M

DATE: November 21, 2012

TO: Helene Deisher, Development Project Manager

FROM: Kathleen S. Hasenauer, Deputy Director, Developed Regional Parks Division

SUBJECT: Memorandum of Support for Retention of the San Diego Police Department Trailer in Ocean Beach Pier Parking Lot

The Park and Recreation Department (Department) is supportive of the continued placement of the office trailer used by the Police Department in the Ocean Beach Pier Parking Lot. This public parking lot is within the jurisdiction of Beaches and Shoreline Parks in Developed Regional Parks Division.

While the trailer does occupy four (4) public parking spots in the Coastal Zone, the Police presence at this location is most beneficial to the Ocean Beach community. Ocean Beach Main Street Association (OBMA) so values the placement of the office trailer at this site that they have provided funds for the rental of the trailer and necessary utilities. OBMA ascertains that the trailer used by San Diego Police Officers has established a visible presence at the seawall and has served to act as a deterrent to nefarious activity.

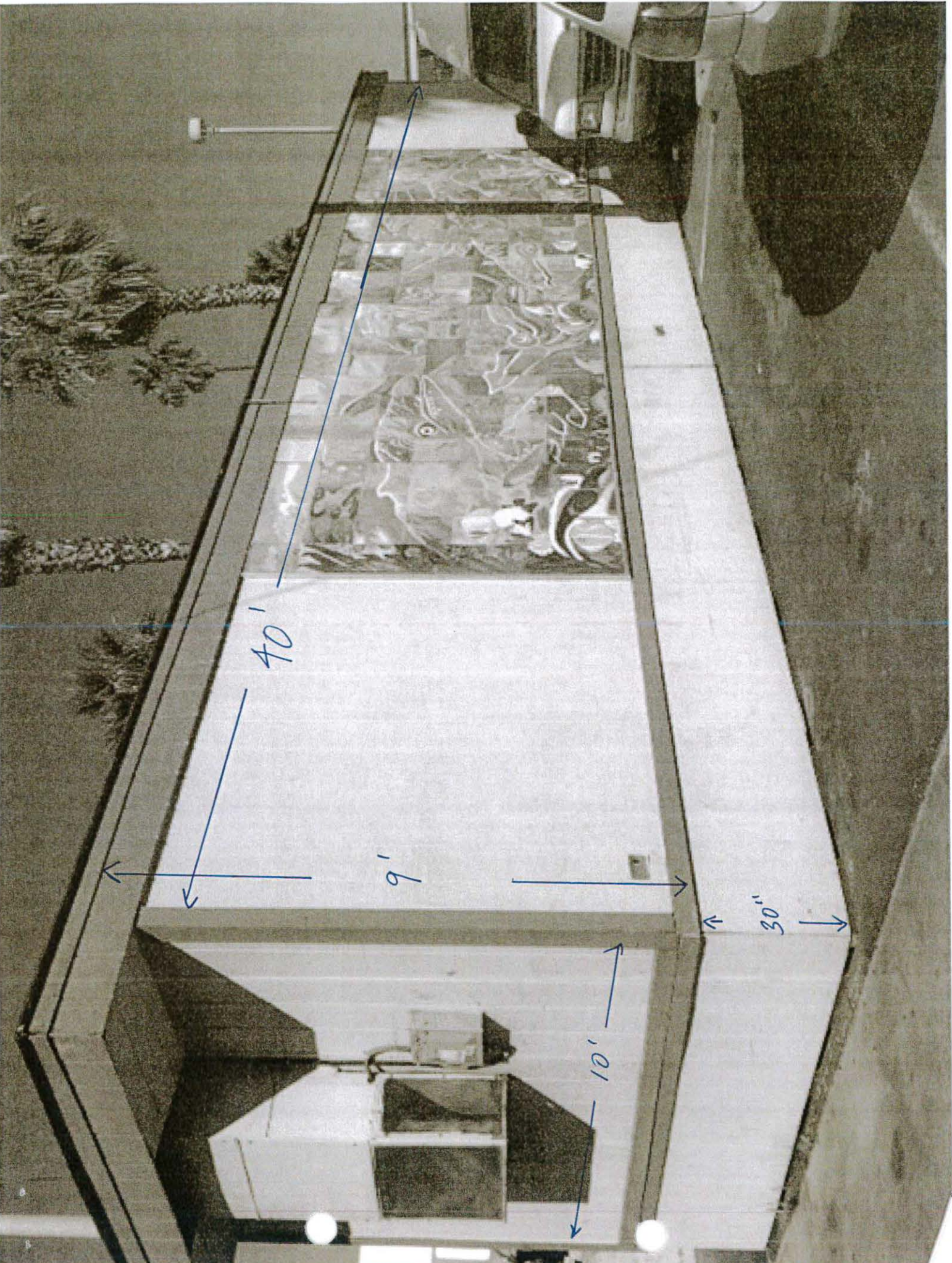
The Department is supportive of the issuance of a Coastal Development Permit (CDP) which the Police Department is seeking. Please feel free to contact me at KHasenauer@sandiego.gov if you need any additional information regarding this issue

Kathleen S. Hasenauer

Kathleen S. Hasenauer

cc: Dan Daneri, District Manager
Natalie Stone, Lieutenant





40'

9'

10'

30''