

### Report to the Hearing Officer

DATE ISSUED: August 13, 2025 REPORT NO. HO-25-035

HEARING DATE: August 20, 2025

SUBJECT: WATER BAR ROOF DECK, Process Three Decision

PROJECT NUMBER: PRJ-1116862

OWNER/APPLICANT: 4325 Ocean Boulevard, LLC/Water Bar

#### **SUMMARY**

<u>Issue</u>: Should the Hearing Officer approve a new 3,785-square-foot roof deck addition to an existing restaurant located at <u>4325 Ocean Boulevard</u> in the CV-1-2 zone, the Coastal Overlay Zone (Appealable Area), the Coastal Height Limit Overlay Zone, the Parking Impact Overlay Zone, the Transit Area Overlay Zone, a Sustainable Development Area, a Parking Standards Transit Priority Area, and a Transit Priority Area within the <u>Pacific Beach Community Plan and Local Coastal Program?</u>

#### **Proposed Actions:**

1. APPROVE Coastal Development Permit No. PMT-3299657.

Fiscal Considerations: Project processing funded via applicant deposit account.

<u>Community Planning Group Recommendation</u>: On March 12, 2025, the Pacific Beach Community Planning Group voted 6-4, with no abstentions, to recommend approval of the project with no conditions.

Environmental Impact: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332, In-Fill Development. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on June 4, 2025, and the opportunity to appeal that determination ended June 18, 2025.

#### **BACKGROUND**

The project site is at 4325 Ocean Boulevard in the CV-1-2 (Visitor Commercial) zone, the Coastal Overlay Zone (Appealable Area), the Coastal Height Limit Overlay Zone, the Parking Impact Overlay

Zone, the Transit Area Overlay Zone, a Sustainable Development Area, a Parking Standards Transit Priority Area, and a Transit Priority Area within the Pacific Beach Community Plan and Local Coastal Program (Community Plan).

The site is within a developed commercial area approximately 50 feet from the beach across Ocean Avenue, and approximately 250 feet from the Pacific Ocean. It was previously within the Coastal Commission's permitting jurisdiction. It is currently occupied by an existing building, the Water Bar, an eating and drinking establishment which was permitted by Coastal Development Permit (CDP) 6-17-0157, approved by the Coastal Commission on June 9, 2017.

CDP 6-17-0157 granted the applicant permission to demolish an existing two-story, approximately 13,968-square-foot restaurant/parking garage and to build a new two-story, approximately 14,810-square-foot mixed-use building consisting of an 8,008-square-foot restaurant, a 6,219-square-foot parking garage, and a 583-square-foot retail rental locker. This building was constructed in 2017. Coastal Commission staff subsequently determined that the project site was within the City of San Diego's Coastal Development Permit jurisdiction.

#### **DISCUSSION**

#### **Project Description:**

The project proposes the addition of a 3,785-square-foot roof deck with a bar and seating area to the existing building, for approximately 7,405 square feet of restaurant space, 7,405 square feet of parking garage and storage area, the new 3,785-square-foot roof deck, and associated uses, for a total of 18,595 square feet. The project does not propose to change the building footprint beyond that which was previously permitted. The proposed roof deck will include railings and light fixtures but will not increase the building height beyond the 30-foot Coastal Height Limit.

The CV-1-2 zone does not require setbacks at this site, and the project's height of approximately 30 feet does not exceed the 30-foot limit of the Coastal Height Limit Overlay Zone.

#### Permits Required:

Development within the appealable area of the Coastal Overlay Zone requires a Process
 Three Coastal Development Permit per San Diego Municipal Code (SDMC) Section

 126.0707(b), with the Hearing Officer as the decision maker.

#### <u>Community Plan Analysis:</u>

As discussed in the attached Permit Resolution, the proposed project does not contain coastal access points or public views as outlined in the Community Plan.

The project does not propose to change the setbacks consistent with the previously approved CDP, and at approximately 30 feet tall, the project site will observe the 30-foot Coastal Height Limit. Development within these limits will facilitate light and air reaching other properties.

The Community Plan designates the site for Visitor Commercial uses, which is implemented by the CV-1-2 zone on the site. Both the land use designation and the zone contemplate eating and drinking establishments as an allowed use. The project proposes a roof deck with no other exterior changes to the building. This does not significantly alter the existing development footprint.

The proposed roof deck is not directly addressed by the Community Plan, but the existing building will continue to meet the following commercial goals and policies of the Community Plan:

- Promote the utilization of alley access and minimize the number of allowed curb cuts (Page 46);
   and
- Minimize building setbacks, bringing buildings close to sidewalks; locate parking to the rear of lots, off of the alleys (Page 46)

The building is oriented to Ocean Boulevard, where it has a zero-foot setback and where its primary pedestrian entrance is located. There are no curb cuts, and parking is accessed solely from the alley.

• Articulate building facades to provide variety and interest (Page 46)

The Ocean Boulevard frontage provides a variety of offset building planes, colors, textures, signage, and glazing.

 Orient primary commercial building entrances to the pedestrian-oriented street, as opposed to parking lots (Page 47)

The primary entrance to the Water Bar is located at the sidewalk on Ocean Boulevard.

#### **Project-Related Issues:**

Because the project site is within approximately 600 feet of two MTS Route 8 bus stops, it is within one half mile of a major transit stop as defined by California Government Code Sections 65863.2(a) and (e)(5). Therefore, per SDMC Chapter 14, Article 4, Division 5, Parking Regulations, and pursuant to California Assembly Bill 2097, approved September 22, 2022, it is not required to provide parking.

The project is voluntarily providing 23 vehicle parking spaces, two of which are accessible, one is for electric vehicle charging, and one is for vanpools. Two motorcycle spaces are provided, along with short-term and long-term bicycle parking. These spaces, where they are provided, meet the design requirements of the SDMC.

AB 2097 allows the City to impose its parking standards on any parking space that is voluntarily provided, and does not preclude the City from requiring electric vehicle charging stations and

accessible parking spaces. However, it does not relieve the City of San Diego of its obligation to provide and maintain access to the beach/shoreline under the Coastal Act. The Coastal Commission provided further guidance on this issue in a June 30, 2023, memo to local planning directors (Attachment 8).

In accordance with this guidance, the project provides 23 parking spaces where none are required, voluntarily providing as much parking as can fit on the site. It also includes carpool/vanpool parking, electric vehicle parking, bicycle parking and e-bike charging, which the memo lists as ways that local jurisdictions can implement the public access and recreation provisions of the Coastal Act.

#### **Conclusion:**

All issues identified during the review process have been resolved, and the project complies with the Land Development Code and all applicable policies of the Community Plan. Staff recommends that the Hearing Officer approve Coastal Development Permit No. PMT-3299657.

#### **ALTERNATIVES**

- 1. Approve Coastal Development Permit No. PMT-3299657, with modifications.
- 2. Deny Coastal Development Permit No. PMT-3299657, if the findings required to approve the project cannot be affirmed.

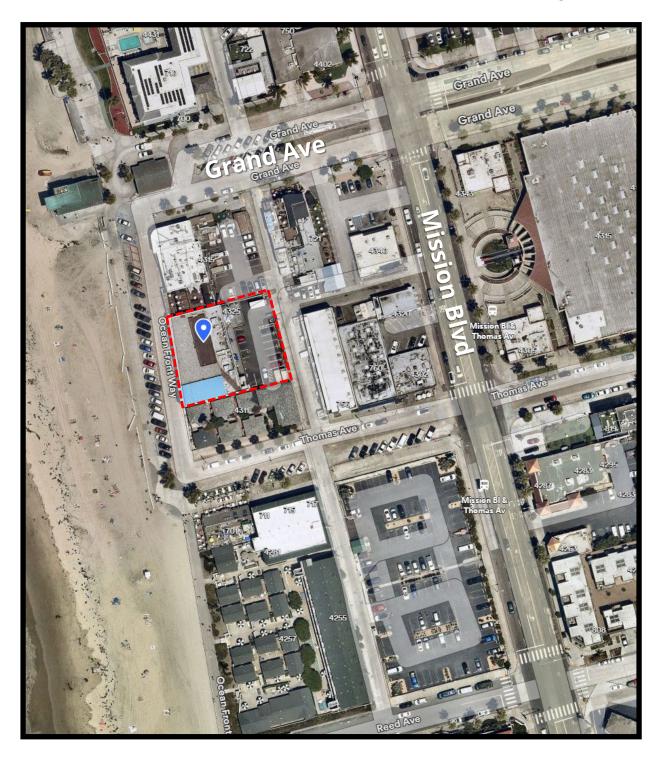
Respectfully submitted,

Travis Cleveland

Development Project Manager
Development Services Department

#### Attachments:

- 1. Aerial Photographs
- 2. Community Plan Land Use Map
- 3. Draft Permit with Conditions
- 4. Draft Permit Resolution with Findings
- 5. Community Planning Group Recommendation
- 6. Notice of Right to Appeal an Environmental Determination
- 7. Ownership Disclosure Statement
- 8. Coastal Commission June 30, 2023 Memo: Implementation of Assembly Bill 2097
- 9. Project Plans

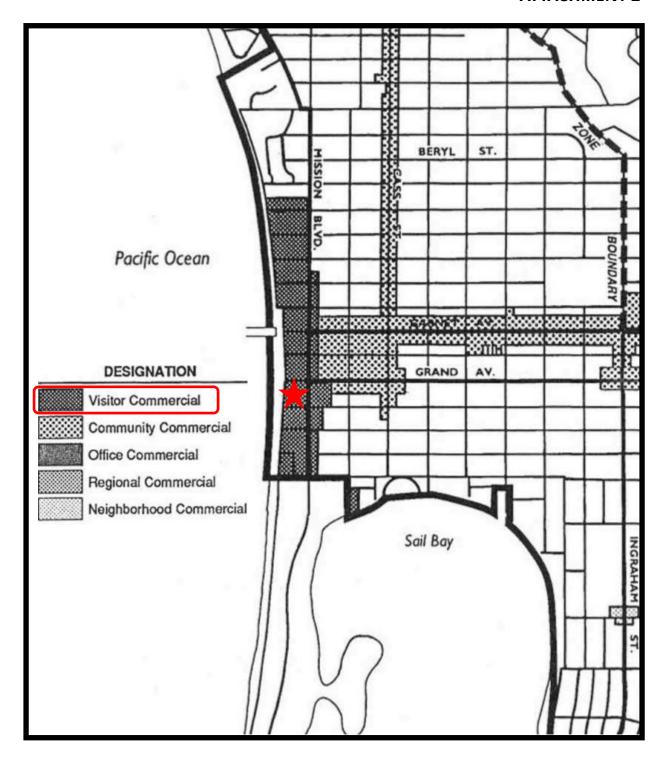




## **Project Location**

Water Bar Roof Deck, 4325 Ocean Boulevard Project No. PRJ-1116862







## **Community Plan Map**

Water Bar Roof Deck, 4325 Ocean Boulevard Project No. PRJ-1116862



#### **RECORDING REQUESTED BY**

CITY OF SAN DIEGO DEVELOPMENT SERVICES PERMIT INTAKE, MAIL STATION DSD-1A

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION DSD-1A

INTERNAL ORDER NUMBER: 24009950

SPACE ABOVE THIS LINE FOR RECORDER'S USE

# COASTAL DEVELOPMENT PERMIT NO. PMT-3299657 WATER BAR ROOF DECK - PROJECT NO. PRJ-1116862 HEARING OFFICER

This Coastal Development Permit No. PMT-3299657 is granted by the Hearing Officer of the City of San Diego to 4325 OCEAN BOULEVARD LLC, Owner, and TODD BROWN, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 0.33-acre site is located at 4325 Ocean Boulevard in the CV-1-2 zone, the Coastal Overlay Zone (Appealable Area), the Coastal Height Limitation Overlay Zone, the Parking Impact Overlay Zone, the Transit Area Overlay Zone, a Sustainable Development Area, a Parking Standards Transit Priority Area, and a Transit Priority Area within the Pacific Beach Community Plan and Local Coastal Program (Community Plan). The project site is legally described as: Lots 5 to 8, inclusive, in Block 260, in Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 854, filed in the Office of the County Recorder of San Diego County, September 28, 1898.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to construct a 3,785-square-foot roof deck addition with a bar and seating area for an existing two-story restaurant, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 20, 2025, on file in the Development Services Department.

#### The project shall include:

- a. Construction of a 3,795-square-foot roof deck and access stairs at an existing restaurant, for a new total of 18,595 square feet;
- b. Measures to reduce Vehicle Miles Traveled (VMT) as shown on Sheet A0 of Exhibit A, including:
  - Short-term bicycle parking on Ocean Boulevard and in the parking lot
  - Electric bicycle charging stations in the parking lot
  - Long-term bicycle parking spaces in the parking garage

- Carpool/Vanpool/Clean Air parking spaces
- c. Off-street parking; and
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

#### **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 must be utilized by September 4, 2028.
- 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.

The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

#### **ENGINEERING REQUIREMENTS:**

- 12. Development of this project shall comply with all stormwater construction requirements of the current version of the City of San Diego's Stormwater Standards Manual.
- 13. Development of this project shall comply with all permanent stormwater requirements of Municipal Stormwater Permit No. 2013-0001, or subsequent order, and the current version of the City of San Diego's Stormwater Standards Manual.

#### **COASTAL PLANNING REQUIREMENTS**

14. Prior to any Certificate of Occupancy being issued, all Vehicle Mile Traveled (VMT) reduction measures referred to in Section B of the Project Description on pages 1-2 of this permit and shown on Page A0 of Exhibit A must be installed to the satisfaction of the Director of the Development Services Department. These improvements must remain on the site, in good repair and available for their intended uses, for the duration of this permit.

#### **PLANNING/DESIGN REQUIREMENTS:**

- 15. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
- 16. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

#### **TRANSPORTATION REQUIREMENTS**

17. All automobile parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls shall be in compliance with the requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose unless otherwise authorized in writing by the appropriate City decision-maker in accordance with the SDMC.

#### **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

18. Prior to any Certificate of Occupancy being issued, ALL EXISTING AND PROPOSED PUBLIC WATER LINES SERVING THIS DEVELOPMENT (INCLUDING DOMESTIC, IRRIGATION, AND FIRE) MUST PASS THROUGH A PERMITTED, PRIVATE, ABOVE GROUND, BACKFLOW PREVENTION DEVICE (BFPD); or, the Design Engineer must include the following note On the Site Plan: THIS SINGLE-FAMILY RESIDENTIAL DEVELOPMENT PROJECT WILL HAVE A COMBINED DOMESTIC/FIRE PROTECTION WATER SERVICE WHICH UTILIZES A PASSIVE PURGE DESIGN AND IS THEREFORE EXEMPT FROM THE REQUIREMENT FOR A BACKFLOW PREVENTION DEVICE.

- 19. Prior to any Certificate of Occupancy being issued, any existing public water service that has been proposed as TO BE RETAINED, which is subsequently determined to be inadequately sized, requires that the applicant obtain a separate Miscellaneous Plumbing Permit to kill the existing water service line at the main and install a new water service in a location acceptable to the Public Utilities Director and City Engineer. Note: To ensure acceptability, the new main connection should be at least 30" from any prior water service line connection, 5' from any driveway, and 10' from any active sewer lateral.
- 20. Prior to any Certificate of Occupancy being issued, the applicant must submit to the project's City Inspector a written statement, signed by a CA licensed plumber, which states that they have performed an internal video inspection of any sewer lateral to be reused and determined it to be free of all debris, in good material condition, properly sloped, properly connected to the public sewer main, and serviceable within the public ROW via an appropriate cleanout.
- 21. If the lateral does not meet these requirements, the applicant is required to have the lateral repaired and reinspected or abandoned/removed and replaced.
- 22. Prior to any Certificate of Occupancy being issued, any damages caused to the City of San Diego's public water and sewer facilities which are due to the activities associated with this project shall be repaired or reconstructed in a manner satisfactory to the Public Utilities Director and the City Engineer per San Diego Municipal Code Section 142.0607.
- 23. Prior to any Certificate of Occupancy being issued, any private improvements which lie within a public ROW fronting the development or within a public easement within the development which could inhibit the City's right to access, maintain, repair, or replace its public water and sewer facilities (as determined by the Public Utilities Director or the City Engineer) must be removed unless the Owner/Permittee has obtained a City approved/County Recorded Encroachment and Maintenance Removal Agreement (EMRA) which authorizes that specific encroachment at that specific location.
- 24. Prior to any Certificate of Occupancy being issued, the Owner/Permittee shall have constructed or abandoned, or ensured the construction or abandonment via permit and bond, any and all public water and sewer facilities which are either recommended for construction or abandonment within the Project's PUD approved Sewer and Water Studies or proposed for construction or abandonment within this permit's approved EXHIBIT 'A'.
- 25. Prior to any Certificate of Occupancy being issued, all proposed water and sewer facilities within the public ROW and/or public easement (as detailed on the Project's City approved Exhibit 'A' or within the Project's PUD approved Water and Sewer Studies) shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

#### **INFORMATION ONLY:**

• The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit

#### **ATTACHMENT 3**

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 August 20, 2025 and [Approved Resolution Number].

#### **ATTACHMENT 3**

Coastal Development Permit No. PMT-3299657 Date of Approval: August 20, 2025

AUTHENTICATED BY THE CITY OF SAN DIEG	O DEVELOPMENT SERVICES DEPARTMENT	
Travis Cleveland Development Project Manager		
NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.		
	xecution hereof, agrees to each and every condition of and every obligation of Owner/Permittee hereunder.	
	<b>4325 Ocean Boulevard LLC</b> Owner	
	By NAME TITLE	
	<b>Todd Brown</b> Owner/Permittee	
	By	

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

Todd Brown

#### HEARING OFFICER RESOLUTION NO. \_\_\_\_\_ COASTAL DEVELOPMENT PERMIT NO. PMT-3299657 WATER BAR ROOF DECK - PROJECT NO. PRJ-1116862

WHEREAS, 4325 OCEAN BOULEVARD LLC, Owner, and TODD BROWN, Permittee, filed an application with the City of San Diego for a permit to construct a 3,785-square-foot roof deck addition with a bar and seating area for an existing two-story restaurant (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. PMT-3299657), on portions of a 0.33-acre site;;

WHEREAS, the project site is located at 4325 Ocean Boulevard in the CV-1-2 zone, the Coastal Overlay Zone (Appealable Area), the Coastal Height Limit Overlay Zone, the Parking Impact Overlay Zone, the Transit Area Overlay Zone, a Sustainable Development Area, a Parking Standards Transit Priority Area, and a Transit Priority Area within the Pacific Beach Community Plan and Local Coastal Program (Community Plan);

WHEREAS, the project site is legally described as Lots 5 to 8, inclusive, in Block 260, in Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 854, filed in the Office of the County Recorder of San Diego County, September 28, 1898;

WHEREAS, on June 4, 2025, 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 Guidelines Section 15332, and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code (SDMC) Section 112.0520;

WHEREAS, on August 20, 2025, the Hearing Officer of the City of San Diego considered

Coastal Development Permit No. PMT-3299657, pursuant to the Land Development Code of the City

of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following

findings with respect to Coastal Development Permit No. PMT-3299657:

#### A. COASTAL DEVELOPMENT PERMIT [SDMC Section 126.0708]

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 project site is at 4325 Ocean Boulevard in the CV-1-2 (Visitor Commercial) zone, the Coastal Overlay Zone (Appealable Area), the Coastal Height Limitation Overlay Zone, the Parking Impact Overlay Zone, the Transit Area Overlay Zone, a Sustainable Development Area, a Parking Standard Transit Priority Area, and a Transit Priority Area within the Pacific Beach Community Plan and Local Coastal Program (Community Plan). The site is within a developed commercial area approximately 50 feet from the beach across Ocean Avenue, and approximately 250 feet from the Pacific Ocean.

The site was previously within the Coastal Commission's permitting jurisdiction. It is currently occupied by an existing building housing the Water Bar, an eating and drinking establishment, which was permitted by Coastal Development Permit (CDP) 6-17-0157, approved by the Coastal Commission on June 9, 2017.

CDP 6-17-0157 granted the applicant permission to demolish an existing two-story, approximately 13,968-square-foot restaurant/parking garage and to build a new two-story, approximately 14,810-square-foot mixed-use building consisting of an 8,008-square-foot restaurant, a 6,219-square-foot parking garage, and a 583-square-foot retail rental locker. This building was constructed in 2017. Coastal Commission staff subsequently determined that the project site was within the City of San Diego's Coastal Development Permit jurisdiction.

The current project proposes the addition of a 3,785-square-foot roof deck with a bar and seating area to the existing building, for approximately 7,405 square feet of restaurant space, 7,405 square feet of parking garage and storage area, the new 3,785-square-foot roof deck, and associated uses, for a total of 18,595 square feet. The project does not propose to change the building footprint beyond that which was previously permitted by CDP-6-17-0157. The proposed roof deck will include railings and light fixtures but will not increase the building height beyond the 30-foot Coastal Height Limit.

The site is not located between the first public roadway (Ocean Boulevard) and the Pacific Ocean; however, it is located on the eastern side of Ocean Boulevard, which makes it very close to the beach. Nonetheless, the site does not contain any of the dedicated Ocean and Bay Access Points listed in Community Plan Figure 15.

The Community Plan and Land Development Code do not protect private views, and the site does not contain public views as listed in Community Plan Figure 16. The project does not propose to change the setbacks consistent with the previously approved CDP, and at approximately 30 feet tall, the project site will observe the 30-foot Coastal Height Limit. Development within these limits will facilitate light and air reaching other properties.

Therefore, 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.

# 2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The project is located within a developed commercial area and is bordered by commercial properties on three sides. The property is currently developed with an existing two-story restaurant.

To construct the roof deck addition, Best Management Practices (BMPs) would be implemented to reduce noise, dust, and water impacts associated with the construction of the project. During and after construction, the project will be required to comply with all relevant ministerial codes designed to protect the public health, safety, and welfare, including the California Building Code, stormwater regulations, and air quality regulations. By regulating stormwater, air quality, and similar, such regulations also serve in part to protect the environment regardless of proximity to the project site.

The project site does not contain and is not directly adjacent to environmentally sensitive lands, such as sensitive biological resources, coastal beaches, coastal bluffs, or steep slopes, as defined by the Community Plan or the Land Development Code.

Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

# 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

Figure 11 of the Community Plan designates the site for Visitor Commercial uses, which is implemented by the CV-1-2 zone on the site. Both the land use designation and the zone contemplate eating and drinking establishments as an allowed use. The project proposes a roof deck with no other exterior changes to the building. This does not significantly alter the existing development footprint. However, because the roof deck represents additional floor area, the project site was evaluated for effects on transportation and parking as required by the Municipal Code.

Because the project site is within approximately 600 feet of two MTS Route 8 bus stops, it is within one half mile of a major transit stop as defined by California Government Code Sections 65863.2(a) and (e)(5). Therefore, per SDMC Chapter 14, Article 4, Division 5, Parking Regulations, and pursuant to California Assembly Bill 2097, approved September 22, 2022, it is not required to provide parking.

The project is voluntarily providing 23 vehicle parking spaces, two of which are accessible, one is for electric vehicle charging, and one is for vanpools. Two motorcycle spaces are provided, along with short-term and long-term bicycle parking. These spaces, where they are provided, meet the design requirements of the SDMC.

AB 2097 allows the City to impose its parking standards on any parking space that is voluntarily provided, and does not preclude the City from requiring electric vehicle charging stations and accessible parking spaces. However, it does not relieve the City of San Diego of its obligation to provide and maintain access to the beach/shoreline under the Coastal Act. However, the Coastal Commission has provided guidance in a June 30, 2023, memo to local planning directors.

In accordance with this guidance, the project provides 23 parking spaces where none are required, voluntarily providing as much parking as can fit on the site. It also includes carpool/vanpool parking, electric vehicle parking, bicycle parking and e-bike charging, which the memo lists as ways that local jurisdictions can implement the public access and recreation provisions of the Coastal Act.

The CV-1-2 zone does not require setbacks at this site, and the project's height of approximately 30 feet does not exceed the 30-foot limit of the Coastal Height Limit Overlay Zone. The proposed roof deck is not directly addressed by the Community Plan, but the existing building will continue to meet the following commercial goals and policies of the Community Plan:

Promote the utilization of alley access and minimize the number of allowed curb cuts (Page 46); and

Minimize building setbacks, bringing buildings close to sidewalks; locate parking to the rear of lots, off of the alleys (Page 46)

The building is oriented to Ocean Boulevard, where it has a zero-foot setback and where its primary pedestrian entrance is located. There are no curb cuts, and parking is accessed solely from the alley.

Articulate building facades to provide variety and interest (Page 46)

The Ocean Boulevard frontage provides a variety of offset building planes, colors, textures, signage, and glazing.

Orient primary commercial building entrances to the pedestrian-oriented street, as opposed to parking lots (Page 47)

The primary entrance to the Water Bar on Ocean Boulevard meets this requirement.

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 project site is not located between the nearest public road and the sea. Therefore, this finding does not apply.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. PMT-3299657 is hereby GRANTED by the Hearing Officer to

#### **ATTACHMENT 4**

the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. PMT-3299657, a copy of which is attached hereto and made a part hereof.

Travis Cleveland Development Project Manager Development Services

Adopted on: August 20, 2025

IO#: 24009950

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#### City of San Diego · Information Bulletin 620

August 2018



**City of San Diego Development Services**1222 First Ave., MS-302

### Community Planning Committee Distribution Form

	San Diego, CA 92101 Form				
Project Name: Project Number: 4325 Ocean Boulevard 1116862					
Community: Pacific Beach					
For project scope and contact information (project manager and applicant), log into OpenDSD at <a href="https://aca.accela.com/SANDIEGO">https://aca.accela.com/SANDIEGO</a> .  Select "Search for Project Status" and input the Project Number to access project information.					
Vote to Approve				Date of Vote:	
<ul> <li>□ Vote to Approve with Conditions Listed Below</li> <li>□ Vote to Approve with Non-Binding Recommendations Listed Below</li> <li>□ Vote to Deny</li> </ul>				March 12, 2025	
# of Members Yes				embers Abstain	
6		4		0	
Conditions or Recommendations: N/A					
No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)					
NAME: John Terell					
TITLE: Chair, Development Subcommittee			DATE:	March 13, 2025	



#### **DATE OF NOTICE: June 4, 2025**

# NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

#### **DEVELOPMENT SERVICES DEPARTMENT**

SAP No. 24009950

PROJECT NAME / NUMBER: 4325 Ocean Boulevard / PRJ-1116862

**COMMUNITY PLAN AREA:** Pacific Beach

**COUNCIL DISTRICT: 1** 

LOCATION: 4325 Ocean Blvd, San Diego, CA 92109

**PROJECT DESCRIPTION:** Coastal Development Permit (CDP) for a 3,785-square-foot roof deck addition with bar and seating area for an existing two-story restaurant at 4325 Ocean Boulevard. The 0.33-acre site is in the CV-1-2 zone within the Pacific Beach Community Plan. This development is within Coastal Overlay Zone (Appealable Area). LEGAL DESCRIPTION: Lots 5 to 8 inclusive, in Block 260, in Pacific Beach, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 854, filed in the Office of the County Recorder of San Diego County, September 28, 1898.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15332, In-fill Development.

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15332, In-Fill Development; and where the exceptions listed in Section 15300.2 would not apply. Section 15332 allows for in-fill development where projects are consistent with the general plan and applicable zoning designations. The project site is less than five acres in size and is surrounded by urban uses, is of no value as habitat for endangered species, would not result in significant effects to traffic, noise, air quality, or water quality, and can be adequately served by all required utilities and public services. This project would construct a 3,785-square-foot roof deck addition to an existing restaurant. This is within the limits described for this exemption, and the

exceptions listed in Section 15300.2 would not apply. The site is not included on any list compiled pursuant to Government Code Section 65962.5 for hazardous waste sites.

**DEVELOPMENT PROJECT MANAGER:** Travis Cleveland

MAILING ADDRESS: 1222 First Avenue, MS 501, San Diego, CA 92101-4153

PHONE NUMBER / EMAIL: (619) 446-5407 / TCleveland@sandiego.gov

On June 4, 2025 the City of San Diego (City), as Lead Agency, has made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk by 5:00pm within ten (10) business days from the date of the posting of this Notice (June 18, 2025). Appeals to the City Clerk must be filed by email or in-person as follows:

- 1) Appeals filed via E-mail: The Environmental Determination Appeal Application Form DS-3031can be obtained at <a href="https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031">https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031</a>. Send the completed appeal form (including grounds for appeal and supporting documentation in pdf format) by email to <a href="https://www.sandiego.gov">hearings1@sandiego.gov</a> by 5:00p.m. on the last day of the appeal period; your email appeal will be acknowledged within 24 business hours. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked) before or on the final date of the appeal. Please include the project number on the memo line of the check.
- 2) Appeals filed in person: Environmental Determination Appeal Application Form DS-3031 can be obtained at <a href="https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf">https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/industry/forms/ds3031.pdf</a>. Bring the fully completed appeal application DS-3031 (including grounds for appeal and supporting documentation) to the City Administration Building-Public Information Counter (Open 8:00am to 5:00pm Monday through Friday excluding City-approved holidays), 1st Floor Lobby, located at 202 C Street, San Diego, CA 92101, by 5:00pm on the last day of the appeal period. The completed appeal form shall include the required appeal fee, with a check payable to: City Treasurer.

This information will be made available in alternative formats upon request.

POSTED ON THE CITY'S CEQA WEBSITE				
POSTED:	06/04/2025			
REMOVED: 06/18/2025				
POSTED BY: Myra Lee				



City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000

# Ownership Disclosure Statement

FORM
DS-318

October 2017

Approved Type: Check appropriate box for type of approved() requestred:   Neighborhood Development Parmit:   Size Development Parmit:   Neighborhood Development:   Neighb	ment Permit - Comminsi Use Permit - Variance
Project Title: WATERBAR ROOF DECK	Project No. Far City Use Only:
Address 4325 OCEAN BLVD., SAN DIEGO	, CA 92109
Specify Form of Opens of the Land Status (planes check):  □ Corporation Limited Liability -or- □ General - What State?	to Identification No. 37-01.85632
By signing the Ownership Discissure Statement, the owner(s) admonitings that an application of San Diago on the subject property with the intent to record an error owner(s), applicately and other financially interested persons of the above reference individual, firm, co-perovership, joint venture, association, social club, finiterest organitivities a financial interest in the application. If the applicant includes a corporation or individuals owning more than 10% of the shares. If a publicly-corned corporation, includings, owning more than 10% of the shares. If a publicly-corned corporation, includings, owning page may be attached in recessary.) If any person is a numerotic officers. (A separate page may be attached in recessary.) If any person is a numerotic officers of the numerous organization or as to a signature is required of at least one of the property owners. Attach additional parameters is required of at least one of the property owners. Attach additional parameters in the project Manages in ownership during the time the applicance and current ownership information could result in a delay in the hearing produces and current ownership information could result in a delay in the hearing produces.	problem to against the property. Please list below the diproperty. A financially interested perty includes any autors, corporation, estate, trust, receiver or syndicate parties by, trucked the names, titles, addresses of all sude the names, titles, and addresses of the corporate organization or a trust, list the names and addresses of rustee or beneficiary of the nonprefit organization, agas if needed. Note: The applicant is responsible for lication is being processed or considered. Changes in all the senting on the subject process. Fallure to provide
Name of individual CALL (MANAGER)	NUMBER TENERALESSE D'SUCCESSOR Agency
Street Address: 1730 DOALOR ALG. LATE - 250	
City: SCOOMOOO	State (A Zig: 90M8
Phone No.: (69)377-C623 Fex No.:	dan white@sestantecapital.com
Signature 1	Date 5 10 24
Additional pages recentled:   Yes  No	
Applicant	
Name of Individual: Todd Brown	Owner Tower/Lesson O Successor Agency
Street Address 3351 Wico page . Pl	
cm San Diese	Scotte: CA ZDX 92117
Phone No.: 1019 518 -2827 Fax No.:	Emall: tcbrownie@gmail.com
Smaller & Sal	Date: 5/20/2024
Additional pages Attached: 2 Yes 2 No	
Other Financially Interested Persons	
Name of individual: Eric Leitstein	D Owner D Tevent/Lesse D Successor Agency
Street Address: 2505 Rosemary Courts	
Chy: Encinitas	State: CA Zip: 92024
Phone No: 619-654-3736 Fax No.:	Email: ericfomohospitalityeroup.com
Signature.	Date: 5/20/2024
Additional pages Attached: Q Yes U No	



City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000

### Ownership Disclosure Statement

**FORM** 

**DS-318** 

October 2017

Approval Type: Check appropriate bo Neighborhood Development Perm Tentative Map D Vesting Tentative	it D Site D	evelopment Permit Q Plan	ned Development Permit L	I Conditional Use Pe	rmit 🗆 Variance
Project Title: Waterbar Roof Dack			Project No.	For City Use Only:	
Project Address: 4325 Coom Blvd., San Diego, CA 92109					
Specify Form of Ownership/Legal	Status (ple	ase check):			
Corporation 🔾 Limited Liability -o	r- 🗆 Gene	ral - What State?	Corporate Identification	NO	
☐ Partnership ☐ Individual  By signing the Ownership Disclosure					
with the City of San Diego on the sowner(s), applicant(s), and other finindividual, firm, co-partnership, join with a financial interest in the application officers. (A separate page may be at ANY person serving as an officer of A signature is required of at least contributing the Project Manager of an ownership are to be given to the Praccurate and current ownership info	ancially into t venture, a cation. If the of the sham ttached if n or director one of the ny changes	erested persons of the about issociation, social club, frat he applicant includes a corpose. If a publicly-owned corpose ecessary.) If any person is of the nonprofit organizat property owners. Attach a in ownership during the till ger at least thirty days prio	we reterenced property. At a ernal organization, corpora poration or partnership, in poration, include the name: a nonprofit organization or tion or as trustee or bene idditional pages if needed, me the application is being or to any public hearing on to the state of the properties of the true of the properties of the properties of the properties of the properties of the properties of the properties of properties of properties prop	inanciary interested tion, estate, trust, re- clude the names, tit s, titles, and address a trust, list the nam ficiary of the nonp Note: The applicar processed or cons	a party includes any eceiver or syndicate les, addresses of all ses of the corporate es and addresses of rofit organization. It is responsible for idered. Changes in
Property Owner					
Name of Individual:			Owner 🗆	☐ Tenant/Lessee	☐ Successor Agency
Street Address:					
City:				State:	Zip:
Phone No.:					
Signature: Additional pages Attached:	☐ Yes	□No			
Applicant  Name of Individual:				☐ Tenant/Lessee	☐ Successor Agency
Street Address:				State	7in:
City:					
Phone No.:		Fax No.:			
Signature:	30.0	102/8676	Date:		
Additional pages Attached:	☐ Yes	□ No			
Other Financially Interested Person					3200
Name of Individual: 50 S (	en	Vaught	Owner	☐ Tenant/Lessee	☐ Successor Agency
Street Address: 1856	Dev	wer St_			
City: Sam Diego				State:	zip: 92100
Phone No.: 7.58-248-	0509	Fax No.:	Email:	ine Overo	intgroup co
Signature: Josep 1	2-11	at	Date:	5/21/2	L.
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Printed on recycled paper. Visit our web site at <a href="https://www.sandiego.gov/development-services">www.sandiego.gov/development-services</a>. Upon request, this information is available in alternative formats for persons with disabilities.

luna	10	2024
June	10.	2024

Re: 4325 Ocean Blvd. Ownership Disclosure Statement

To whom it may concern,

I, Daniel White, confirm that I am a member and authorized signer for 4325 Ocean Boulevard, LLC and signed the Ownership Disclosure Statement on behalf of the LLC.

Thank you,

Daniel White

#### GAVIN NEWSOM, GOVERNOR

#### CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300 SAN FRANCISCO, CA 94105-2421 VOICE (415) 904-5200 FAX (415) 904-5400



To: Planning Directors of Coastal Cities and Counties

From: Dr. Kate Huckelbridge, Executive Director, California Coastal Commission

Date: June 30, 2023

RE: Implementation of Assembly Bill 2097 (Friedman) Relating to Minimum Parking Requirements Near Major Transit Stops

\_\_\_\_\_

#### I. Introduction

Effective January 1, 2023, <u>Assembly Bill (A.B.) 2097</u> (Friedman, Ch. 459, Stats. 2022) prohibits public agencies, including the Coastal Commission and local governments, from imposing or enforcing minimum automobile parking requirements on most development projects located within one-half mile of a major transit stop. This legislation may help reduce vehicle miles traveled and encourage denser infill development consistent with some of the goals of the Coastal Act. However, the law will require the Commission and local governments to implement the Coastal Act's mandate to maximize access to the coast and to coastal recreation areas in a new way. Historically, the Commission and local governments implementing their Local Coastal Programs (LCPs) have often imposed minimum parking requirements to ensure that development is consistent with the public access and recreation policies of the Coastal Act and certified LCPs. These public access and recreation policies continue to apply, but imposition of such minimum parking requirements is no longer allowed where AB 2097 applies.

This memorandum discusses how the Commission and local governments can impose other types of conditions in these areas to ensure projects and LCPs are consistent with the public access and recreation policies of the Coastal Act and certified LCPs. Still, AB 2097 is likely to cause public access impacts in the coastal zone that will be difficult to fully mitigate. It will also likely have impacts far outside the transit-rich areas it directly applies to, as inland residents and visitors may have a harder time traveling to access the coast. The public access and recreation impacts of new development that does not provide public parking can be most effectively addressed through regional and local planning, rather than at a project level review. Local governments will need to plan for and develop alternative ways for the public to access the coast from across their jurisdictions, such as through investing in public transit and developing programs that facilitate public access by, for example, creating free shuttles to the coast and additional public parking facilities. On a project level, special conditions that facilitate public transit, alternative transportation, and additional public access opportunities, such as requiring bicycle parking or in-lieu fees, may mitigate the public access and recreation impacts of development. This memorandum includes examples of LCP policies and project conditions that the Commission and local governments may impose to facilitate public access and recreation in a manner consistent with this new law.

#### II. Overview of AB 2097 Requirements

AB 2097 prohibits public agencies from imposing or enforcing any minimum automobile parking requirements on residential, commercial, and other development projects located within one-half mile of a major transit stop (Gov. Code § 65863.2(a)).

#### a. Who

The new law applies to public agencies, which are defined to include "the state or any state agency, board, or commission, any city, county, city and county, including charter cities, or special district, or any agency, board, or commission of the city, county, city and county, special district, joint powers authority, or other political subdivision" (Gov. Code § 65863.2(e)(4)). Accordingly, AB 2097 prohibits both local governments and the Coastal Commission from imposing or enforcing minimum parking requirements on development projects located within one-half mile of a major transit stop.

#### b. What

AB 2097 prohibits public agencies from imposing or enforcing any minimum automobile parking requirements on residential, commercial, and other development projects located within one-half mile of a major transit stop (Gov. Code § 65863.2(a)). However, public agencies can require minimum parking standards in any of the following cases:

- Projects where any portion is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, unless a portion of a housing development project is designated for use as a certain kind of residential hotel (Gov. Code § 65863.2(e)(6)).
- Commercial projects where (a) the prohibition on imposing minimum parking requirements would conflict with an existing contractual agreement of the public agency that was executed before January 1, 2023, and (b) all of the required commercial parking is shared with the public (Gov. Code § 65863.2(h)(1)).
- When a local government makes written findings that not imposing or enforcing minimum automobile parking requirements on a development would have a substantially negative impact on: (1) its ability to meet its Regional Housing Needs Assessment ("RHNA") allocation for low- and very low income households; (2) its ability to meet certain special housing needs for the elderly or persons with disabilities; or (3) existing residential or commercial parking within one-half mile of the housing development project (Gov. Code § 65863.2(b)).<sup>2</sup> This exception to the prohibition does not apply to housing development projects that: (1) dedicate a minimum of 20 percent of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities; (2) contain less than 20 housing units; or (3) are subject to parking reductions based on the provisions of any other applicable law (Gov. Code § 65863.2(c)).

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<sup>&</sup>lt;sup>1</sup> This prohibition on the imposition of parking requirements also does not apply to an existing contractual agreement that is amended after January 1, 2023, provided that the amendments do not increase commercial parking requirements (Gov. Code § 65863.2(h)(1)).

<sup>&</sup>lt;sup>2</sup> This exception only applies to a city or county's imposition or enforcement of minimum parking requirements (Gov. Code § 65863.2(b)).

In addition, public agencies must continue to impose the following existing parking requirements:

- Event centers must provide parking for employees and other workers when required by local ordinance (Gov. Code § 65863.2(d)).
- New multifamily residential and nonresidential development is required to provide electric vehicle (EV) supply equipment parking spaces and parking spaces that are accessible to persons with disabilities that would have otherwise been required (Gov. Code § 65863.2(f)).

Although public agencies may not impose minimum parking requirements on development projects in designated areas, all Coastal Act and LCP provisions other than those requiring minimum automobile parking continue to apply in these areas, including provisions relating to protecting, enhancing, and maximizing public access and recreation opportunities. Accordingly, the Commission and local governments will need to ensure that development projects within one-half mile of major transit stops comply with these Coastal Act and LCP provisions in ways other than imposing minimum parking requirements. The new law also allows developers to voluntarily provide parking, and public agencies may approve projects with such voluntarily provided parking. If a project voluntarily provides parking, AB 2097 allows a public agency to require any of the following: (1) the parking include spaces for car share vehicles, (2) spaces be shared with the public, or (3) parking owners charge for parking (Gov. Code § 65863.2(g)). A public agency may not, however, require that voluntarily provided parking be provided to residents of a housing development free of charge (Id.). The law does not contain a similar restriction prohibiting an agency from requiring that voluntary parking be provided to the public free of charge. Voluntarily provided parking can be considered when analyzing whether a proposed project is consistent with the Coastal Act or LCP.

#### c. Where

AB 2097 only applies to projects located within one-half mile of a major transit stop (Gov. Code § 65863.2(a), (e)(5)). A "major transit stop" is a site containing: (1) an existing rail or bus rapid transit station;<sup>3</sup> (2) a ferry terminal served by either a bus or rail transit service; (3) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods; or (4) a major transit stop identified in the applicable regional transportation plan (Gov. Code § 65863.2(e)(5), Pub. Res. Code §§ 21155(b), 21064.3). A project is considered within one-half mile of an AB 2097 major transit stop if all parcels within the project have no more than 25 percent of their area farther than one-half mile from the stop and if not more than 10 percent of the residential units or 100 units, whichever is less, in the project are farther than one-half mile from the stop (Pub. Res. Code § 21155(b)).

3

<sup>&</sup>lt;sup>3</sup> A "bus rapid transit station" means a clearly defined bus station served by mass transit service that is provided by a public agency or by a public-private partnership that includes all of the following features: (1) full-time dedicated bus lanes or operation in a separate right-of-way dedicated for public transportation with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods; (2) transit signal priority; (3) all-door boarding; (4) fare collection system that promotes efficiency; and (5) defined stations (Pub. Resources Code, § 21060.2).

The new law did not create (or require creation of) maps or datasets indicating where major transit stops are located. Without a centralized dataset identifying the location of major transit stops, these stops will likely need to be identified on a case-by-case basis. Coastal Development Permit (CDP) applicants and/or local governments should submit information clearly demonstrating whether the project site or proposed LCP amendment area is located within one-half mile of a major transit stop. Some local governments or associations of governments may have maps that depict major transit stops or other helpful transit information in the area. The below map viewers may be a helpful place to start when evaluating projects and LCP amendments in certain areas:

- San Diego: The City of San Diego maintains a <u>map viewer</u> that identifies transit priority areas (TPAs), which includes major transit stops in the City.<sup>4</sup> The San Diego Association of Governments (SANDAG) also maintains a <u>map viewer</u> with various transit information, such as rapid bus routes and rail lines, and other transit information beyond an AB 2097 "major transit stop."
- Los Angeles: The Southern California Association of Governments maintains a
   <u>map viewer</u> for the Los Angeles area that identifies "high quality transit areas",
   which includes "major transit stops" (as defined above).<sup>5</sup> In addition, the City of Los
   Angeles maintains a <u>map viewer</u> that identifies whether an address is eligible for AB
   2097.
- San Francisco Bay Region: The Metropolitan Transportation Commission (MTC)
   <u>map viewer</u> for the San Francisco Bay Region identifies TPAs, which includes
   major transit stops in this area.<sup>6</sup>

Other metropolitan planning organizations (MPOs) and regional transportation planning agencies (RTPAs) may also have information relevant to the location of major transit stops.<sup>7</sup>

#### d. When

AB 2097 became effective on January 1, 2023.

#### e. Why

AB 2097 states that mandatory parking minimums can increase the cost of housing, limit the number of available units, lead to an oversupply of parking spaces, and increase greenhouse gas emissions (Gov. Code § 65863.2(i)). As a result, the legislation states that

<sup>4</sup> This map viewer may be broader than the area where AB 2097 currently applies, as the viewer also identifies AB 2097 major transit stops that are planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan.

<sup>&</sup>lt;sup>5</sup> This map viewer also includes "high quality transit areas" which could potentially be broader than an AB 2097 "major transit stop," as these areas also include corridors with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. In addition, this map viewer is based on data from 2016 and may not reflect existing levels of transit service.

<sup>&</sup>lt;sup>6</sup> This map viewer may be slightly broader than the area where AB 2097 applies as the viewer (like the San Diego viewer) also identifies AB 2097 major transit stops that are planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan.

<sup>&</sup>lt;sup>7</sup> The contact information for MPOs and RTPAs is available on Caltrans' website <u>here</u>.

#### **ATTACHMENT 8**

it must be interpreted in favor of the prohibition against imposing mandatory parking minimums (*Id.*).

Historically, land use agencies have required new development proposals to provide offstreet parking spots for residents or users to avoid increased parking congestion and its associated impacts. The Coastal Commission and many local governments implementing their LCPs have imposed minimum parking requirements to ensure that new development is consistent with the policies of the Coastal Act and certified LCPs, including those relating to public access and recreation. In many areas, parking requirements have contributed to urban sprawl. Conflicts between the prioritization of pedestrian, bicycle, and other forms of transportation and parking requirements can occur in built-out areas where space is limited. AB 2097 could potentially lead to denser infill development and a reduction in vehicle miles traveled consistent with the goals of some Coastal Act policies such as Section 30250, which generally requires new development to be concentrated within, contiguous with, or near existing developed areas able to accommodate it, and Section 30253(d), which requires new development to minimize vehicle miles traveled. The statute's intent to reduce greenhouse gas emissions by reducing vehicle dependency is also consistent with Coastal Act Section 30253(c), which requires new development to meet air pollution control requirements imposed by the California Air Resources Board; Section 30604(h), which states that the Commission may consider environmental justice and the equitable distribution of environmental benefits statewide in permit actions; and Section 30270, which requires the Commission to take into account the effects of sea level rise, which is a direct consequence of greenhouse gas emissions and climate change, in its coastal resource planning and permitting activities.

However, AB 2097 is also likely to cause public access and recreation impacts in the coastal zone that will be difficult to fully mitigate. As discussed further below, the Coastal Act requires the Commission and local governments to protect access to our coastal shorelines and beaches. To a large extent, this access still relies on cars and parking along the coast. This is particularly the case for coastal visitors and inland residents that must travel far to reach the coast and cannot afford to live in coastal areas. AB 2097 only applies in areas with existing public transit, but it does not require that this transit be able to connect visitors and inland residents traveling from elsewhere to the coast. In the coastal zone, high costs of housing and historical exclusionary public policies and private practices such as refusing to finance home purchases for households of color and imposing deed restrictions that restricted sales of homes to certain groups based on race, creed, or color have excluded households of color and lower income households from owning and renting property on the coast.8 As a result, applying AB 2097 in the coastal zone may raise environmental justice concerns as lower income households and households of color are less likely than wealthy, white households to live on the coast, and thus may have more difficulty accessing the coast without adequate public parking.

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<sup>&</sup>lt;sup>8</sup> Coastal Commission Report on the Historical Roots of Housing Inequity and Impacts on Coastal Zone Demographic Patterns (2022). See also the Coastal Commission's Adopted Environmental Justice Policy.

#### III. Application in the Coastal Zone

Although AB 2097 prohibits the Commission and local governments from imposing minimum parking requirements on most types of development projects within one-half mile of major transit stops, the Coastal Act and certified LCPs otherwise continue to apply in these areas. Local governments should update their LCPs to conform with AB 2097 and require alternative kinds of mitigation where a project's lack of parking contributes to adverse impacts to coastal resources.

#### a. Public Access and Recreation Provisions of the Coastal Act

A primary goal of the Coastal Act is to maximize public access to the coast, as reflected in Sections 30001.5(c), 30210, and the other public access and recreation sections of the Coastal Act. Section 30210 of the Coastal Act requires that maximum public access and recreation opportunities to the coast be provided, consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. The Commission has found that the direction of Section 30210 "to maximize access represents a different threshold than to simply provide or protect such access, and is fundamentally different from other like provisions in this respect: it is not enough to simply provide access to and along the coast, and not enough to simply protect access; rather such access must also be maximized." In furtherance of this goal, Section 30500 of the Coastal Act requires that each LCP contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided.

A number of Coastal Act policies are relevant when analyzing the impacts that new development may have on public parking near the coast. New development in the coastal zone cannot interfere with existing public access, including in terms of parking (Section 30211); must generally provide public access from the nearest public roadway to the shoreline and along the coast (Section 30212); and must be located within or near existing developed areas able to accommodate it or in other areas with adequate public services where it will not have significant adverse effects, either individually or cumulatively, on coastal resources, including public access and recreation (Section 30250). Lower cost visitor and recreational facilities, which could include public visitor parking areas, are required to be protected, encouraged, and, where feasible, provided (Section 30213). Oceanfront lands suitable for recreational use, which could include visitor parking areas, are required to be protected for recreational use and development, and upland areas necessary to support coastal recreational uses are required to be reserved for such uses, where feasible (Sections 30221 and 30223, respectively). Further, Coastal Act Section 30252 provides that the location and amount of new development should maintain and enhance public access to the coast by, among other means, providing adequate parking facilities or providing substitute means of serving the development with public transportation. Section 30212.5 of the Coastal Act requires that wherever appropriate and feasible, public facilities, including parking areas or facilities, must be distributed throughout an area to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area. Section 30214 allows for public access policies to consider the unique characteristics of new development, and to allow for public access

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<sup>&</sup>lt;sup>9</sup> <u>City of Carpinteria Transportation Improvements LCP Amendment</u> (No. LCP-4-CPN-15-0018-1, 2015).

to be tailored in an appropriate manner considering that context. Finally, through Section 30604(h), the Commission may consider the equitable distribution of environmental benefits throughout the state, including parking to access the coast.

New development near the coast can negatively impact public access and recreation by increasing the demand for automobile parking without providing sufficient additional parking to offset this increase in demand, thus leading to fewer parking spaces available to the public for coastal access. This is particularly important for visitors and inland residents who do not live near the shoreline, for whom a trip to the beach often means using a car to transport people, pets, food, drink, and beach equipment to shoreline destinations. particularly when there is a dearth of transit alternatives to reach the beach. To ensure consistency with the public access and recreation provisions of the Coastal Act outlined above, the Commission has imposed minimum automobile parking requirements on proposed development such as requiring a minimum number of onsite parking spaces be provided or maintained by new residential development so that residents do not reduce the availability of on-street parking for visitors accessing the coast and nearby beaches. 10 The Commission has also imposed minimum automobile parking requirements in modifications to LCP policies for consistency with the public access and recreation provisions of the Coastal Act. For example, in recent LCP amendments proposed to update policies consistent with new state Accessory Dwelling Unit (ADU) laws, the Commission has typically imposed minimum onsite parking requirements for new ADUs located near prime visitor destinations with constrained on-street public visitor parking. 11 In addition, the Commission often certifies proposed LCP provisions that require that new development meet minimum automobile parking requirements.

b. Alternatives to Imposing Minimum Automobile Parking Requirements Local governments and the Commission may no longer apply LCP policies or project conditions that require minimum automobile parking in areas designated by AB 2097. But the new law does not otherwise change the Commission's or local governments' authority to implement the Coastal Act and LCP provisions, including as it relates to visitor public parking needs. The Commission and local governments must find other ways to ensure that new development complies with the Coastal Act and LCPs. In this way, the Coastal Act and AB 2097 can be harmonized to the maximum extent feasible so that both laws apply in the coastal zone.

When analyzing projects and LCP updates, local governments should consider the impacts that proposed development located within one-half mile of a major transit stop may have on public access and recreation, and, for LCPs, what strategies can adequately mitigate the impacts of development on access and recreation consistent with the Coastal Act. Some questions to explore may include:

 How much public parking is currently available and what is the current demand for public parking?

<sup>&</sup>lt;sup>10</sup> See, for example, <u>Chen Gallagher</u> (App. No. 5-21-0522, 2021); <u>Reed</u> (App. No. 5-20-0656, 2021); and <u>Lloyd</u> (App. No. 5-21-0756, 2022).

<sup>&</sup>lt;sup>11</sup> See, for example, <u>Santa Cruz ADU LCP Amendment</u> (No. LCP-3-STC-20-0015-1-Part A, 2021) and <u>San Luis Obispo County ADU LCP Amendment</u> (No. LCP-3-SLO-20-0059-2, 2022).

- How might the proposed development or LCP policies impact supply and demand for public parking?
- Whether alternative means of transportation to the coast that support public access and recreation are available?
- Whether a public access improvement program exists or can be established?
- Where coastal visitors are coming from, how visitors get to the coast, and what demographics visitors represent?
- Whether there is a disproportionate impact on environmental justice communities <sup>12</sup> or people with disabilities in accessing the coast, and whether there are measures available to ensure access is equitable?

This information may help frame what alternatives (e.g., public transit, car share, bikes, free shuttles) are available to maximize public access and recreational opportunities, and which Coastal Act and LCP provisions may be relevant for the analysis. Where this information does not exist or is difficult to obtain, monitoring and adaptive management LCP policies may be helpful to develop this information.<sup>13</sup>

**Planning.** Like the Commission, local governments can no longer impose minimum automobile parking requirements on most types of development projects located within one-half mile of a major transit stop. As a result, local governments must consider alternative ways of implementing the public access and recreation provisions of the Coastal Act and LCPs, such as through LCP policies that encourage the use of public transit and alternative forms of transportation in areas near major transit stops. LCPs could, for example, plan for and encourage:

- Increased public transit to visitor destination areas, such as increased transit service areas or routes, shorter intervals of service, additional bus stops, and parkand-ride lots and shuttles
- Free or low cost shuttles connected to public park-and-ride facilities that provide appropriate design (e.g., to meet the needs of beach visitors and people with disabilities) and adequate intervals and duration of service to public access and recreational areas
- Public access in-lieu/development fee programs (example provided below) intended to improve, protect, and enhance public access and recreation opportunities for people of all abilities and incomes

<sup>&</sup>lt;sup>12</sup> In this memo, the terms "underserved communities" and "environmental justice communities" are used interchangeably with the term "communities of concern." All these terms refer to low-income communities, communities of color, and other populations with higher exposure and/or sensitivity to adverse project impacts due to historical marginalization, discriminatory land use practices, and/or less capacity to mitigate adverse impacts.

<sup>&</sup>lt;sup>13</sup> See, for example, the <u>City of Del Mar Parking Adjustments LCP Update</u> (No. LCP-6-DMR-21-0081-2, 2023), which reduced parking requirements for certain commercial uses in several areas throughout City. Commission modifications authorized the change for a limited term of eight years and required creation of an ongoing Parking Management Program that must include an inventory of existing public parking areas, analyze parking occupancy and demand, and provide recommendations to address how parking programs and services should be adjusted to maximize access to the shoreline.

- Complete streets designs and the integration of multi-modal transportation improvements, such as bike lanes and bike parking
- Development of additional public parking facilities and opportunities near coastal access and recreation areas
- Affordable Electric Vehicle (EV) charging infrastructure
- Elimination and/or prohibition of preferential parking programs for residents
- Development of low-income parking pass programs
- Regulations on public parking that encourage visitor-serving uses, such as time limits in some cases
- Shared parking arrangements that encourage or require private parking areas to be made available for public parking during times when these parking areas are underutilized
- Employee transit subsidy programs, such as reimbursement for use of alternative transportation, carpooling, or park-and-ride services<sup>14</sup>
- Transportation demand management programs, such as providing transit passes to workers, students, or residents
- Adequate bicycle parking and lockers
- Micromobility programs, such as bicycle and electric scooter rentals
- Meaningful and accessible outreach and public education on public access opportunities and alternative transportation programs<sup>15</sup>
- Other means of providing public access to and along the coast

One way for local governments to implement the public access and recreation provisions of the Coastal Act and LCPs without imposing or enforcing minimum parking requirements is to establish in-lieu fee programs that mitigate the negative impacts of development on public access and recreation. Such fees can be used to improve a variety of public access and recreation opportunities, including by providing additional parking opportunities where appropriate. For example, the City of Laguna Beach has an in-lieu parking certificates program that allows developers to pay a fee in-lieu of providing public parking, which is used to create additional public parking and to improve public transit. 16 In addition to this program, the City has actively encouraged multi-modal transportation, provides a free trolley service, and runs a pilot project that allows for a reduction in parking requirements when a proposed use provides for and promotes the use of alternative modes of transportation such as free shuttles, ride-sharing, carpools, public transit, bicycles and walking. As another example, the City of Hermosa Beach uses development fees to improve public access and recreation opportunities, including public parking. The Commission has conditioned several projects from Hermosa Beach that were unable to provide adequate onsite parking spaces on payment of a fee to the City to offset public access impacts of the projects. 17 Local governments should analyze whether in-lieu fees that fund public access programs that use their funds solely to pay for automobile parking

<sup>&</sup>lt;sup>14</sup> Though see Cal. Health & Safety Code § 40717.9, which limits public agencies' ability to impose employee trip reduction programs.

<sup>&</sup>lt;sup>15</sup> See, for example, Orange County Parks (5-07-370-A2).

<sup>&</sup>lt;sup>16</sup> See LCP Amendment No. LCP-5-LGB-19-0139-1.

<sup>&</sup>lt;sup>17</sup> See, for example, <u>Franco</u>, <u>5-20-0597</u>; <u>1429 Hermosa, LLC</u>, 5-13-0717; <u>B&J Capital Group Investments</u>, 5-20-0181.

improvements are consistent with AB 2097, and whether public access programs that fund other public access improvements in addition to public parking could more effectively maximize public access and recreation.

Some examples of certified LCP policies that encourage alternative forms of transportation are listed below.

- City of Encinitas Bicycle and Pedestrian Connectivity LCP Update (No. LCP-6-ENC-19-0158-3, 2020): Required new development to add bicycle and pedestrian interconnection opportunities between adjacent land uses through dedication of an easement. Application of this requirement is based on several factors relating to feasibility, such as topography, adjacent land uses, existing physical barriers, and access to existing trails and public access points.
- City of San Diego Complete Communities LCP Update (No. LCP-6-SAN-21-0033-1): Added Complete Communities program that included an optional Housing Solutions program to increase housing production by removing regulatory barriers and granting development incentives to projects that incorporate affordable housing and neighborhood-serving infrastructure amenities within TPAs; and a mandatory Mobility Choices requirement for development to fund or provide amenities and active transportation infrastructure designed to reduce Vehicle Miles Traveled (VMT), or pay an inlieu fee.
- City of Morro Bay Comprehensive LCP Update (No. LCP-3-MRB-21-0047-1, 2021): Added LUP policies emphasizing public transit, active transportation, and pedestrian and bicycle amenities particularly in waterfront and downtown areas.
- City of Half Moon Bay Downtown Revitalization LCP Update (No. LCP-2-HMB-20-0019-1, 2020): Reduced parking requirements in certain mixed-use and residential zoning districts in the City, as supported by parking demand studies, and implemented strategies to promote a more pedestrian-oriented active downtown area.

Unlike individual projects, LCPs can help provide a vision and plan for alternative means of access and transportation throughout a local jurisdiction. Policies and programs that may reduce the public access impacts resulting from scarce public parking in coastal areas, such as new or increased public transit and multimodal options, are often better addressed in LCPs rather than on a project-by-project basis. Accordingly, local governments should update their LCPs to protect and maximize public access and recreation in ways other than minimum automobile parking requirements in areas where AB 2097 applies.

**Permitting.** In some cases, a project applicant may voluntarily propose adequate parking, alternative modes of transportation, or other project components that fulfill the requirements of the Coastal Act and LCPs. In other cases, the Commission and local governments will need to impose special conditions other than minimum parking requirements that allow the project to be consistent with the Coastal Act and LCP public

access and recreation provisions.<sup>18</sup> Some examples of conditions other than minimum parking requirements that the Commission has imposed to make a project consistent with the public access and recreation provisions of the Coastal Act or relevant LCPs include:

 Public transit and alternative transportation conditions. The Coastal Act emphasizes the importance of public transit and alternative means of transportation in facilitating public access and reducing VMT. Coastal Act Section 30252 provides that:

the location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

In addition, Section 30253 requires new development to minimize energy consumption and VMT and to meet air pollution control requirements, which can include the facilitation of public and alternative means of transportation. AB 2097's prohibition on imposing minimum parking requirements only applies in areas within one-half mile of major transit stops. Accordingly, projects in these areas are more likely to be able to mitigate their public access and recreation impacts through public and alternative transportation measures than projects in areas with more limited public transit. It may not be feasible, however, to condition single-family residences and other types of smaller residential development on the provision of public or alternative transportation measures that must be coordinated across a large area to work effectively (e.g., bus, bike, or rail infrastructure), unless a local government or other entity has a program that can manage and coordinate the required public and alternative transportation measures. Some examples of CDPs that mitigated for public access impacts through support or development of public and alternative transportation options—such as transportation demand management programs, bicycle parking and infrastructure, support for public transit, and reduced rates for car-free hotel rooms—are below.

 McKinley Family Trust (App. No. 5-20-0598, 2021): Conversion of existing retail space to restaurant located approximately 200 feet from beach;

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<sup>&</sup>lt;sup>18</sup> In some circumstances, a local government may still impose minimum automobile parking requirements when it makes written findings that not imposing or enforcing minimum automobile parking requirements on a development project would have a substantially negative impact on existing residential or commercial parking within one-half mile of a housing development project or for the other reasons specified in AB 2097 (Gov. Code § 65863.2(b)).

mitigated impacts on public access by applicant's proposal to contribute \$3,000 annually to the City of San Clemente to fund multi-modal access (a portion of which will be used to fund two new metered public parking spaces in the vicinity), and through a Transportation Demand Management Program (TDMP) that included reimbursing all employees for 100% of the public transportation fares incurred to travel to and from work and an employee education program informing employees of public transit options, ridesharing, and bicycle infrastructure nearby with the aim of reducing the need for on-site parking at the project site.

- <u>Franco</u> (App. No. 5-20-0597, 2021): Conversion of existing apartment complex with no on-site parking into a new hotel with two parking spaces located less than 350 feet from the beach; mitigated impacts to public access by applicant's proposal and special conditions requiring a TDMP that included 12 bicycles provided on-site to hotel guests at no cost, a new 16-bicycle rack within the City of Hermosa Beach's right of way, free transit passes to hotel employees, rooms provided to guests who arrive at the hotel without an automobile at a 10% discount, and two rooms always designated as "car-free," in addition to a \$28,900 in-lieu fee paid to the City for each required parking space not provided on-site..
- Street Retail West II, LP (App. No. 5-20-0522, 2021): Conversion of existing retail structure with no onsite parking into a recreational fitness center located 0.2 miles from the beach and near high quality transit options; mitigated impacts to public access through proposed TDMP that included reimbursing all employees 100% of public transportation fares, provision of lockers and showers to employees and customers who choose alternative forms of transportation to and from the premise, and inclusion of an information center at the front desk to publicize the TDMP, and City of Santa Monica-required in-lieu fee for bicycle parking.
- Ocean Avenue, LLC (App. No. 5-21-0139): Redevelopment of an existing hotel with 103 on-site parking spaces into a new mixed-use development with 428 on-site parking spaces; mitigated impacts to traffic congestion and parking in visitor-serving downtown area with a new wayfaring plan and included special conditions requiring a TDMP that included monetary incentives and free transit passes for carpooling employees; discounts for residents that do not require a parking spaces, 342 bicycle parking spaces, and 43 electrical vehicle charging spaces. The TDMP included surveys to determine whether vehicle miles traveled had been successfully lowered.
- Public Access and Recreation Fees. In appropriate cases, a public access and recreation fee could be imposed as mitigation for development that will negatively impact public access and recreation, including by increasing demand for public parking near coastal access areas. A fee that is paid into an established public access and recreation program may be able to mitigate part or all of these impacts. Such fees might be held and managed by a state agency (e.g., Coastal Conservancy) or local government, nonprofit, or other third party. The Commission has conditioned projects on payment of a fee to support public access and recreation improvements in combination with other mitigation, such as transportation demand management programs, in several cases where the

development would negatively impact public parking near coastal access areas. <sup>19</sup> If a mitigation fee is imposed, findings for project approval would need to demonstrate that the required mitigation will be related to (i.e., has a nexus with) the project's impacts and is proportional to that impact. Findings should also describe how the Coastal Act or LCP requires maximization of public access and recreation opportunities even though minimum parking requirements may not be imposed, and how the mitigation will address the project's impacts without minimum parking requirements. Local governments should work with their legal counsel to ensure that any such findings and public access and recreation programs appropriately harmonize the Coastal Act, LCPs, and AB 2097.

- EV Infrastructure and Accessible Parking Spaces. The Commission has approved many projects that provide accessible parking and has required EV infrastructure in projects, such as large commercial projects, with public access and recreation impacts. AB 2097 does not prohibit public agencies from imposing requirements for EV charging equipment parking spaces or for parking spaces that are accessible to persons with disabilities on new multifamily residential and nonresidential development if those requirements would have otherwise applied to the development (Gov. Code § 65863.2(f)). Accordingly, the Commission and local governments may continue to require EV charging infrastructure and accessible parking on multifamily residential and nonresidential development located within one-half mile of a major transit stop. However, the number of spots limited to EV parking should be considered in the context of the overall parking availability at a location to ensure that adequate parking remains for all as the state transitions to more affordable and accessible EVs for all Californians.
- Voluntarily Proposed Parking. When a project applicant proposes to include parking as part of the project, the Commission and local governments can require that the provided parking be shared with the public and include spaces for car share vehicles (Gov. Code § 65863.2(g)). Voluntarily proposed parking can be considered when assessing a project's consistency with the Coastal Act or LCP.
- Monitoring and Adaptive Management. To protect public access and recreation to and along the coast in the absence of applying minimum parking standards, local governments should monitor and evaluate the impact to public access and recreation in and near areas where such parking standards no longer apply, including the availability and effectiveness of alternative transportation, public parking supply and overcrowding, impact of any timing or other parking restrictions, and the changes in visitation to the area (e.g., numbers of visitors, local versus regional, statewide or international visitorship). The above measurements should include demographics (such as income, race, ethnicity) to understand access impacts to environmental justice communities. In addition, potential public access and recreation issues should be documented in findings, and conditions could

<sup>20</sup> See, for example, <u>Panattoni Development Co.</u> (Appeal No. A-5-LOB-20-0006, 2021), and <u>California Department of Parks and Recreation, Trippet Ranch</u> (App. No. 4-21-068, 2022).

<sup>&</sup>lt;sup>19</sup> See, for example, <u>Franco</u>, 5-20-0597; <u>1429 Hermosa, LLC</u>, 5-13-0717; <u>B&J Capital Group Investments</u>, 5-20-0181.

require monitoring and potential adaptive management for the proposed development, as appropriate.

• Enforcing Existing Public Parking Regulations. Local governments should prioritize monitoring public parking availability and enforcing public parking regulations, such as time limits, particularly in parking constrained coastal areas.

Other special conditions could include, for example, public parking time limits, real estate disclosures identifying and acknowledging existing parking limitations, or programs for resident notification of parking limitations.

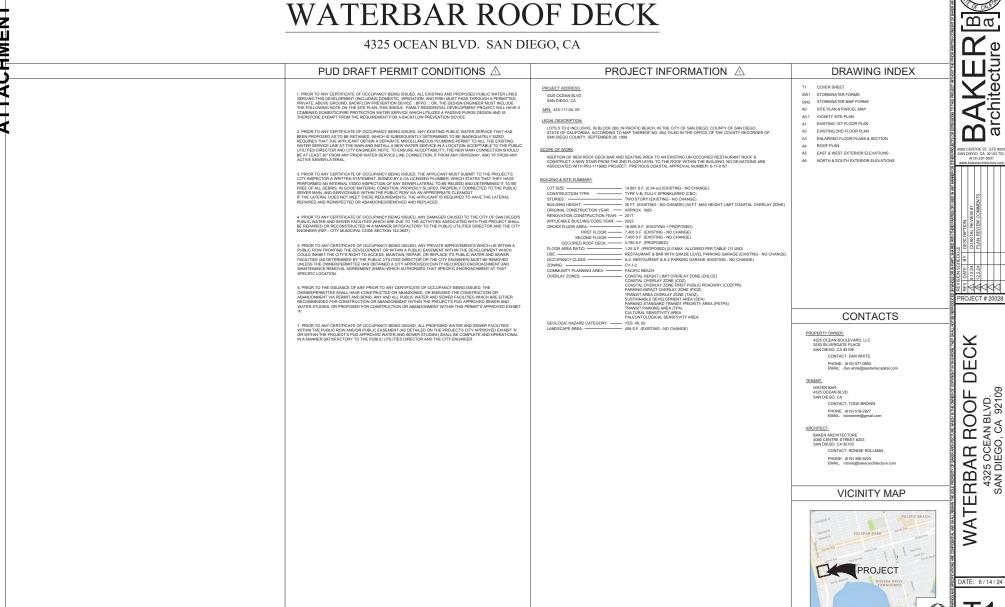
In sum, local governments must ensure that new development located in areas where AB 2097 applies mitigates its public access and recreation impacts by imposing alternative project conditions where necessary, in conjunction with updated LCP policies that facilitate alternative means or programs for the public to access and recreate at the coast.

## IV. Conclusion

The Commission and local governments should harmonize the public access and recreation provisions of the Coastal Act and LCPs with the requirements of AB 2097 to the maximum extent feasible. AB 2097 is a potential step towards reducing our car-centric manner of accessing the coast. However, AB 2097 is likely to have impacts on visitors and inland residents that will be difficult to fully mitigate. Implementation in the coastal zone requires careful analysis and an increased emphasis on alternative ways of providing access to the coast. The Commission and local governments can require and plan for alternatives to imposing minimum automobile parking requirements for development located within one-half mile of a major transit stop, such as LCP amendments encouraging public transit and multi-modal transportation and CDP conditions requiring alternative and public transit amenities. Local governments are encouraged to work closely with Coastal Commission staff to develop strategies that can mitigate for the increased demand for public parking in these areas to the maximum extent feasible and in an equitable manner.

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## **DISCRETIONARY REVIEW FOR:**





**BAKER** architecture 080 CENTRE ST, STE #2 AN DIEGO, CA 92103 TI (619) 281-5937 COASTAL REVIEW #1

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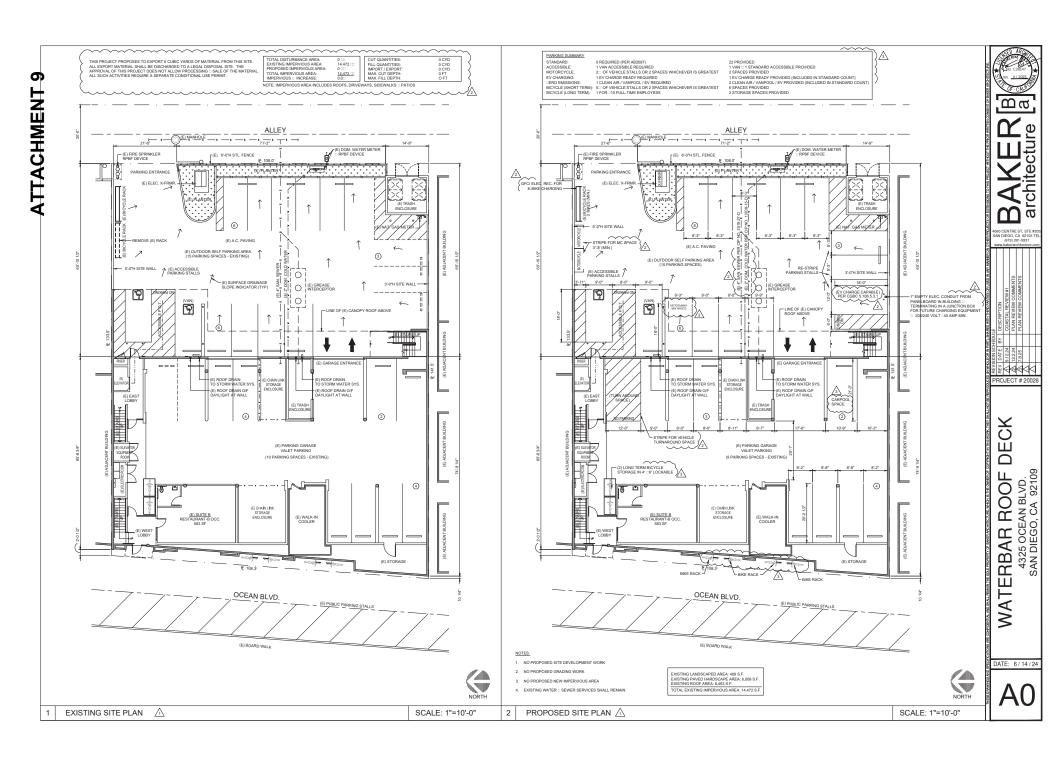
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329	Form I-4B   August 2024 Edition	Form I-5A   August 20	24 Edition
	Form I-5B Page 3 of 4		Form I-5B Page 4 of 4
	Site Design Requirement Applied?  4.3.6 Runoff Collection   Oves  No   Over  No   No   No   No   No   No   No   No	Insert Site Map with all site de	gn BMPs icentified:
	All drainage and runom systems are existing.		
	6a-1 Are green roofs implemented in accordance with design OYes ONO O	⊃n/A	
ØYes ØNo ØN/A	criteria in 4.3.6A Fact Sheet? If yes, are they shown on the site map?  6a-2 Is the green roof credit valume calculated using Appendix  O'yes (ONO O')	ON/A	
	B.2.1.2 and 4.3.6A Fact Sheet in Appendix E?  6b-1 Are permeable pavements implemented in accordance with design criteria in 4.3.6B Fact Sheet? If yes, are they shown on the site map?		
	oreign creater in "Solitoria in "Solitoria in "Solitoria in Solitoria	ON/A	
Oyes ONo ON/A	Discussion / justification if 4.3.7 not implemented:  No changes to the roof membrane are proposed. No changes to pavement are proposed.		
	4.3.8 Harvest and Use Precipitation OYes No O	Øn/A	
	Discussion / justification if 4.3.8 not implemented:  No change to existing drainage system is proposed.		
4			
A No.   O.W.		Z) N/A	
100 ØYES ØNO ØNAA att ØYES ØNO ØNAA	8-1 Are rain barrets implemented in accordance with design OYes ONO Orders in 43.5 Fest Sheed if yes, are they shown on the Set many of the Control of the C		
I COS OVES ONO ONA	criteria in 4.3.8 Fact Sheet? If yes, are they shown on the site map?	DNA DNA	
	OYes ONO ONA	4.3.8 Harvest and Use Precipitation   Q Yes   QNo   1 Discussion / justification if 4.3.8 not implemented No change to entiring drainage system is proposed.	4.3.8 Harvest and Use Precipitation     Discussion / justification if 4.3.1 not implemented     No change to ensiring diamage system is preposed.

SOURCE DESCRIPTION OF THE PROPERTY OF THE PROP

WATERBAR ROOF DECK 4325 OCEAN BLVD. SAN DIEGO, CA 92109

DATE: 6/14/24









NORTH

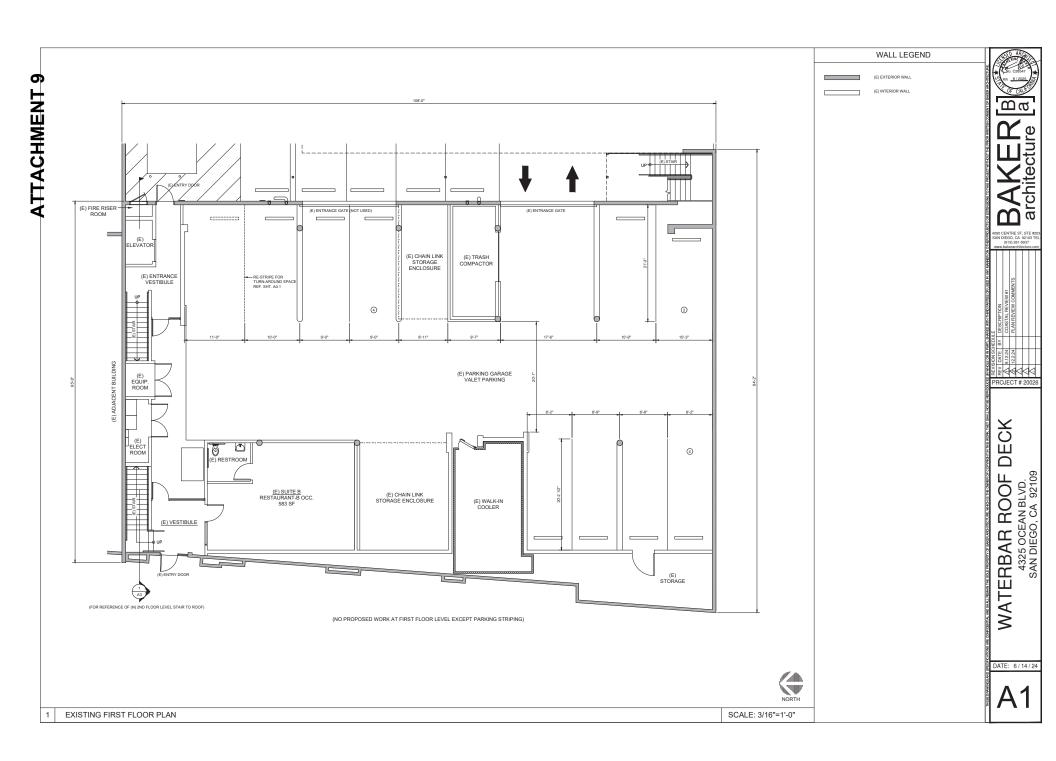
DATE: 6/14/24

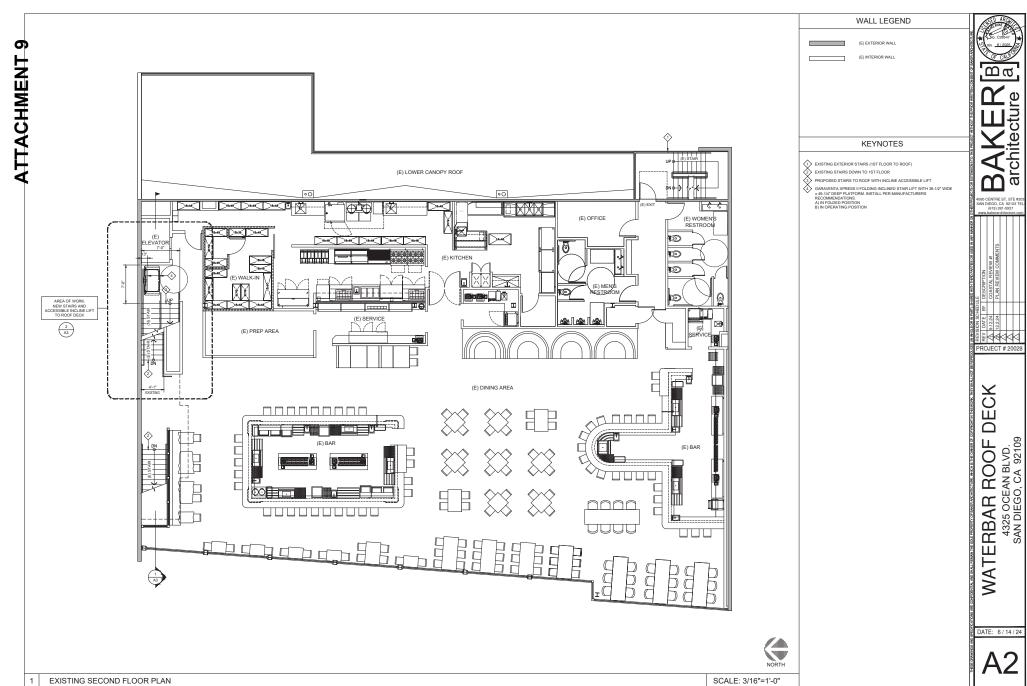
VICINITY SITE PLAN

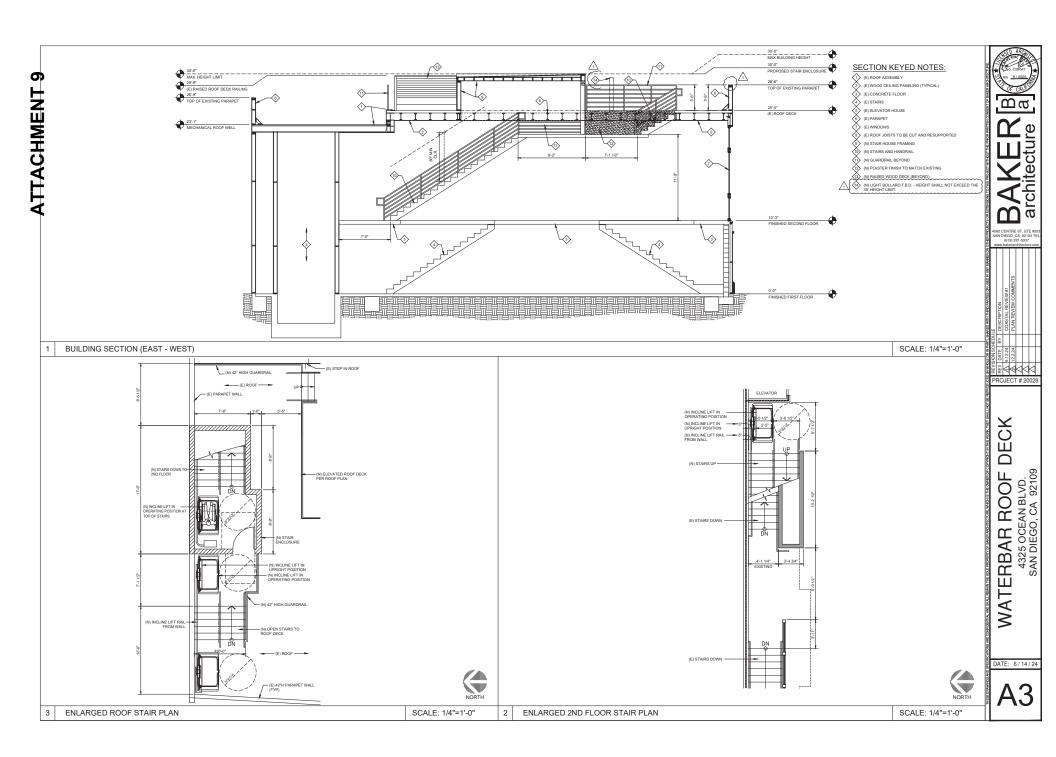
SCALE: 1"=50'-0"

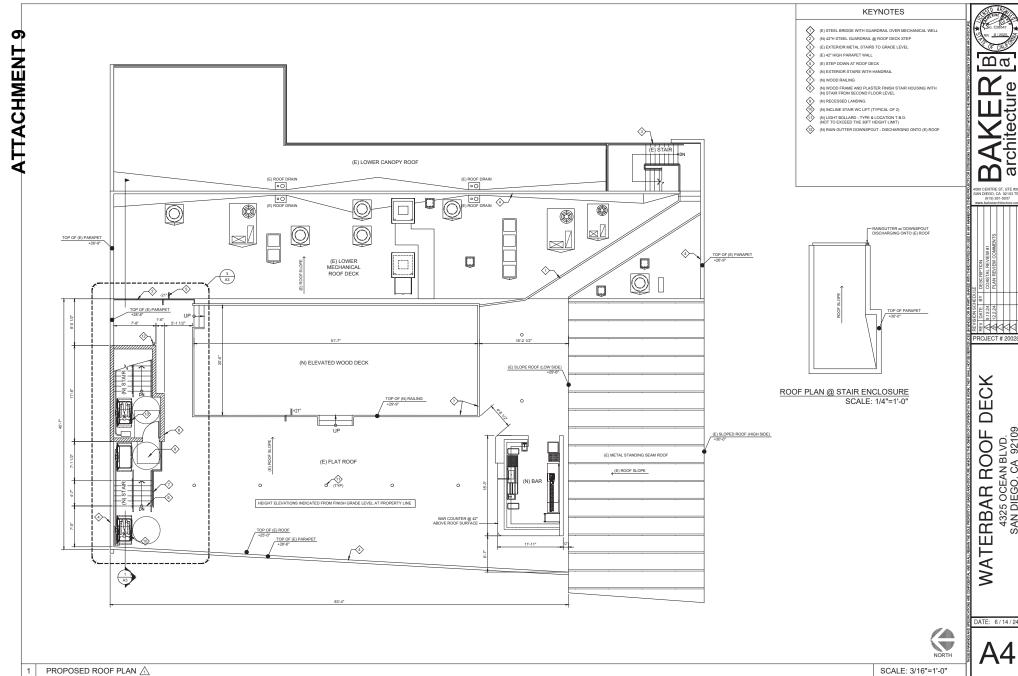
**BAKER** architecture

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