



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: October 31, 2019 REPORT NO. PC-19-096

HEARING DATE: November 7, 2019

SUBJECT: "THE MAP" CDP; Process Three Decision

PROJECT NUMBER: [635682](#)

REFERENCE: Report to the Hearing Officer No. [HO-19-082](#)

OWNER/APPLICANT: City of San Diego (Owner) and Walter Munk Foundation for The Oceans - Mary Munk (Applicant)

SUMMARY

Issue: Should the Planning Commission deny or affirm an appeal of the Hearing Officer's decision to approve a Coastal Development Permit to allow the installation of a three-foot open fence with a railing around an at grade litho-mosaic map at Kellogg Park within the La Jolla Community Plan area?

Staff Recommendation: DENY the project appeal and uphold the Hearing Officer's decision to approve Coastal Development Permit No. 2326837.

Community Planning Group Recommendation: On July 18, 2019, the La Jolla Community Planning Association voted 11-4-1, to recommend approval of the proposed project without conditions or recommendations (Attachment9).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 15311, which allows for the construction, or placement of minor structures accessory to existing commercial, industrial, or institutional facilities. The environmental determination for this project was made on August 7, 2019, and the opportunity to appeal that determination ended August 21, 2019.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account funded by the applicant.

Code Enforcement Impact: None with this action as there are no active code violations cases on the project site.

Housing Impact Statement: There are no existing residential units onsite and none are proposed with this action.

BACKGROUND

The existing site previously had a 2,342-square-foot (at-grade) litho-mosaic known as "THE MAP". It is used as an educational tool designed to both enhance the park area and educate beachgoers of the various ocean creatures and terrain found in the Grand sub-sea Canyons of La Jolla. "THE MAP" was originally installed on September 12, 2008, in October of 2012 it was roped off and no longer accessible to the public. In April of 2015, "THE MAP" was completely removed from the park due to maintenance issues.

The proposed project would reinstall the 2,342-square foot litho-mosaic map between the Kellogg Park Comfort Station and playground near 2100 Vallecitos. The project also includes a new 3-foot open fence/railing around "THE MAP" to protect the learning exhibit and viewers," concrete removal, and 710 square feet of sidewalk improvements.

The site is located within the OP-1-1 (Open space Park), the Coastal Overlay Zone (Appealable area), first public roadway, Transit Priority Area Overlay Zone and within the La Jolla Community Plan area. A Coastal Development Permit is required for the fencing due to the sites location in the Coastal Overlay Zone.

The project was approved by the Hearing Officer on September 4, 2019, without changes or modifications. There were 10 speaker slips and approximately eighty-four letters submitted to the Hearing Officer in support of the project. There was one speaker slip in opposition submitted, by John Leek. Mr. Leek's opposition slip was regarding compliance with Parks & Recreation Department, Article 55 of the Charter, narrow openings, and Coastal approval (Attachment 3).

DISCUSSION

Project Description:

The proposed fence and railing around "THE MAP", will be three feet tall and capped with a 1-1/2-inch teak top railing. Round bronze posts will support bronze wire cables and provides maximum visibility through the fence. The width of "THE MAP" adjacent to and along the boardwalk (west-side) is thirty-four feet wide, and twenty-nine feet wide adjacent to the turf or park (east-side). There are multiple access points both through and around "THE MAP". Public access is provided in three specific ways: (1) through "THE MAP" on the northwest corner where a six-foot four-inch opening is provided to the boardwalk (a.k.a. Walter Munk Way); (2) through an opening provided on the southeast portion of "THE MAP" which is split into two sections: one six-foot, eight-inch opening, a vegetated area, and another six-foot two-inch opening; and (3) through paved passages on either side of "THE MAP": on the comfort station side to the south and next to the playground to the north of "THE MAP" .

One of the goals of the Coastal Act is to protect and expand both visual and physical access to the shoreline. "THE MAP" depicts the underwater world of the adjacent ocean. The associated improvements will maintain and enhance the existing park, as well as provide recreational and learning opportunities consistent with the Coastal Act and General Plan standards. The proposed fence and railing around "THE MAP" does not impede physical access or block any designated visual corridors as depicted in the La Jolla Community Plan.

While the fence modifies the access points between the comfort station and the playground, it will not impede access to the boardwalk, beach or to the park. The design of the fence and railing allows access and visibility from the park to the ocean.

Project Appeal Issues and Responses:

John Leek appealed the Hearing Officer's decision to approve Coastal Development Permit No. 2326837, on September 12, 2019. Mr. Leek submitted a speaker slip at the hearing and filed an appeal application within the time frame required, the City considers the appeal valid. However, Mr. Leek did not cite any specific issues for the Planning Commission to consider in the actual appeal application (Attachment 2).

Mr. Leek submitted written concerns on September 10, 2019, subsequent to the Hearing Officers' Decision (Attachment 4), his concerns are summarized below.

Appellant Written Concern No. 1: "Staff's recommendation was to approve Coastal Development Permit (CDP) 2326837, which already was approved years ago. So, the revised CDP must be treated as a new CDP. Documents state granted not amended."

Staff Response: "THE MAP" was constructed in 2008 at the same location in Kellogg Park under an agreement with the Parks & Recreation Department. A Coastal Development Permit was not required at that time". "THE MAP" was later removed due to a failure with the concrete materials used during that construction. Coastal Development Permit 2326837, is now required due to the proposed railing around "THE MAP".

Appellant Written Concern No. 2: "The decision of the Hearing Officer is final unless appealed to the Planning Commission. No mention was made of the Coastal Commission seeing it afterward and stated and in fact you stated "Appeals to the Coastal Commission must be filed with the Coastal Commission at 7575 Metropolitan Drive.....Therefore the Coastal Commission will NOT have the power to review automatically as for a new CDP. Review against the Coastal Act was already done. The CCC gets a courtesy copy for its records."

Staff Response: All development projects within the Coastal zone are routed to the California Coastal Commission (CCC). The CCC reviewed and submitted comments for this project. Additionally, the Coastal Commission will have another opportunity to comment or modify the project during the coastal appeal period of ten days.

In response to CCC staff's comments, the applicant redesigned the project and provided additional accessible openings through both the northwest and southeast sides of the fence around "THE MAP". The Hearing Officer approved the project with public access provided in three specific ways: (1) through "THE MAP" on the northwest corner where a six-foot four-inch opening is provided to the boardwalk (a.k.a. Walter Munk Way); (2) through an opening provided on the southeast portion of "THE MAP" which is split into two sections: one six-foot eight-inch opening, a vegetated area, and another six-foot two-inch opening; and (3) through paved passages on either side of "THE MAP": on the comfort station side to the south and next to the playground to the north of "THE MAP".

The Notice of Public Hearing dated September 4, 2019 (Attachment 6), includes language stating that the project is appealable to the CCC.

Appellant Speaker Slip: The project "bypassed Parks & Recreation/right of entry" (Attachment 3).

Staff Response: Friends of La Jolla Shores was granted a 20 year right of entry permit signed in 2008 with the Parks and Recreation Department. As part of the project submittal process, Development Services requires any applicant proposing to conduct work on City controlled or owned property to submit a letter from the managing department or provide a signature on the ownership disclosure form. As the managing department for the City, the Parks and Recreation Department is also a signer on the Coastal Development Permit. Additionally, in 2007 a donation and repair agreement between the "Friends of THE MAP" and Parks & Recreation was approved by City Council.

Appellant Speaker Slip: "bypassed the Coastal Commission".

Staff Response: The applicant worked with the CCC on the conceptual design of the railing prior to the submittal of the project to Development Services for the Coastal Development Permit. Once the project was submitted for review of the permit, the CCC was also included as a reviewer and a copy of the submittal package was provided to them for review.

Appellant Speaker Slip: "Narrow openings".

Staff Response: Public access is "accessible" and provided in three specific ways: (1) through "THE MAP" on the northwest corner where a six-foot four-inch opening is provided to the boardwalk (a.k.a. Walter Munk Way); (2) through an opening provided on the southeast portion of "THE MAP" which is split into two sections: one six-foot eight-inch opening, a vegetated area, and another six-foot two-inch opening; and (3) through paved passages on either side of "THE MAP" one on the comfort station side to the south and the other next to the playground to the north of "THE MAP".

Appellant Speaker Slip: "Article 55 of Charter".

Staff Response: City Charter Section 55 states that "The City Manager shall have the control and management of parks, parkways, plazas, beaches..." The charter also states that "by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose

having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose" (Attachment 5).

Kellogg Park is adjacent to the San Diego-La Jolla Underwater Park and the State Marine Reserve. "THE MAP" is an educational tool (at-grade) designed to both enhance the park and recreation area and educate beachgoers of the various ocean creatures and terrain found in the Grand sub-sea Canyons of La Jolla. THE MAP was originally constructed at this location with the permission of the Parks & Recreation Department via a right-of-entry permit. Parks & Recreation continues to support the reinstallation of THE MAP in this location with the addition of the open fence and railing. Parks & Recreation will be signing the permit on behalf of the City as the "Owner" of the property.

Conclusion:

City staff has reviewed the Coastal Development Permit and the Appeal application and determined that the findings can be made to support the approval of the Coastal Development Permit. Staff recommends that the Planning Commission Deny the Appeal and uphold the Hearing officer decision to approve the project.

ALTERNATIVES

1. Deny the Appeal and affirm the Hearing Officer's decision to Approve Coastal Development Permit 2326837, with modifications.
2. Grant the Appeal and reverse the Hearing Officer's decision to approve Coastal Development Permit 2326837, if findings required to approve the project cannot be affirmed.

Respectfully submitted,



PJ FitzGerald
Assistant Deputy Director
Development Services Department



Helene Deisher
Development Project Manager
Development Services Department

FitzGerald /HMD

Attachments:

1. Hearing Officer Report No. HO-19-082
2. Appellant's Appeal to the Hearing Officer's Decision
3. Appellant's speaker slip in opposition

4. Appellant's Written correspondence
5. City Charter Section 55 excerpt
6. Hearing Officer Notice Dated 9-4-19
7. Draft Planning Commission Permit Resolution
8. Draft Planning Commission Permit
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: August 27, 2019 REPORT NO. HO-19-082

HEARING DATE: September 4, 2019

SUBJECT: "THE MAP" CDP Process Three Decision

PROJECT NUMBER: 635682

OWNER/APPLICANT: City of San Diego (Owner) and Walter Munk Foundation for The Oceans - Mary Munk (Applicant)

SUMMARY

Issue: Should the Hearing Officer approve a permit to allow the installation of an open fence with a railing around a litho-mosaic map to be re-installed along with the demolition of concrete and the construction of sidewalk improvements within Kellogg Park in the first public roadway and within the La Jolla Community Plan area?

Staff Recommendation: Approve Coastal Development Permit 2326837.

Community Planning Group Recommendation: On July 18, 2019, the La Jolla Community Planning Association voted 11-4-1 to recommend approval of the proposed project without conditions/recommendations (Attachment 9).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 15311, which allows for the construction, or placement of minor structures accessory to existing commercial, industrial, or institutional facilities. The environmental exemption determination for this project was made on August 7, 2019, and the opportunity to appeal that determination ended August 21, 2019.

BACKGROUND

The proposed project would reinstall a 2,342-square foot litho-mosaic known as "THE MAP" which is a depiction of the Grand Canyons of the La Jolla and learning exhibit on the ground between the Kellogg Park Comfort Station and the playground near 2100 Vallecitos, as well as install an open fence/railing around "THE MAP," demolish concrete, and construct sidewalk improvements.

The site is located within the OP-1-1 Zone, the Coastal Overlay Zone (Appealable area), within the first public roadway, and Transit Priority Area within the La Jolla Community Plan area (Attachment 1 & 2).

"THE MAP" is an educational tool (at-grade) designed to both enhance the park area and educate beachgoers of the various ocean creatures found in the Grand sub-sea Canyons of La Jolla. "THE MAP" was originally installed September 12, 2008 and roped off October 2012. Due to a mixture problem with the original cement, "THE MAP" had to be removed in April of 2015.

The current proposal of the project will re-install "THE MAP" and install an open fence with a railing around "THE MAP" to protect the learning exhibit and viewers. The project also includes improvements to 710 square feet of sidewalks leading from the public right-of-way on Vallecitos around the existing Kellogg Park comfort station to "THE MAP" and the park. The addition of the open fence and railing around the mosaic requires a coastal permit due to its location within the first public roadway and the coastal zone.

DISCUSSION

The proposed fence and railing around "THE MAP", will be thirty-six inches tall and capped with a 1-1/2-inch teak top railing. Round bronze posts will support bronze wire cables and provides maximum visibility through the fence. The width of "THE MAP" adjacent to and along the boardwalk (west-side) is thirty-four feet wide, and twenty-nine feet wide adjacent to the turf or park (east-side). There are multiple access points both through and around "THE MAP". Public access is provided in three specific ways: (1) through "THE MAP" on the northwest corner where a six-foot four-inch opening is provided to the boardwalk (a.k.a. Walter Munk Way); (2) through an opening provided on the southeast portion of "THE MAP" which is split into two sections: one six-foot eight-inch opening, a vegetated area, and another six-foot two-inch opening; and (3) through paved passages on either side of "THE MAP": on the comfort station side to the south and next to the playground to the north of "THE MAP" (Attachment 12).

One of the goals of the Coastal Act is to protect and expand both visual and physical access to the shoreline. "THE MAP" depicts the underwater world of the adjacent ocean. The associated improvements will maintain and enhance the existing park, as well as provide recreational and learning opportunities consistent with the Coastal Act and General Plan standards. The proposed fence and railing around "THE MAP" does not impede physical access or block any designated visual corridors as depicted in the La Jolla Community Plan (Attachments 3 & 4).

While the fence modifies the access points between the comfort station and the playground where the fence will be located, it will not impede access to the boardwalk, beach or to the park. The design of the fence and railing allows access and visibility from the park to the ocean. Staff has reviewed the proposed project and is recommending the Hearing Officer Approve the Coastal Development Permit as all the applicable findings can be made and the project meets all applicable development regulations and policies.

ALTERNATIVES

1. Approve Coastal Development Permit No. 2326837, with modifications.
2. Deny Coastal Development Permit No. 2326837, if the findings required to approve the project cannot be affirmed.

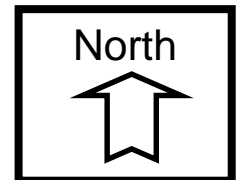
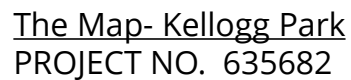
Respectfully submitted,

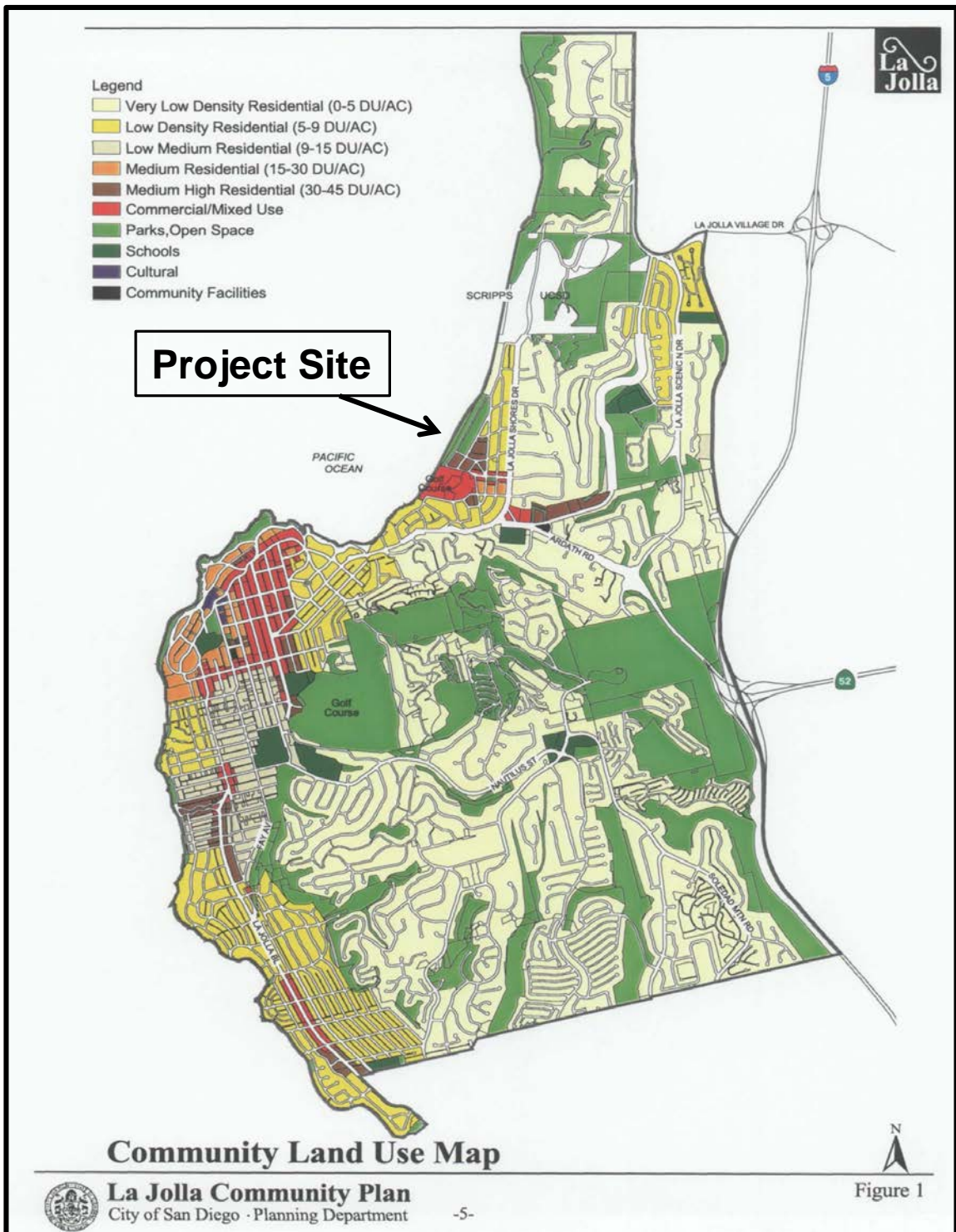


Helene Deisher, Development Project Manager

Attachments:

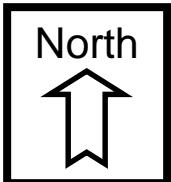
1. Project Location Map
2. Community Plan Land Use Map
3. Community Plan Physical Access (LJCP Page 141)
4. Community Plan Visual Corridor (LJCP Page 142)
5. Aerial Photograph
6. Draft Resolution with Findings
7. Draft Permit with Conditions
8. Environmental NORA
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Additional Photos of the area
12. Project Plans

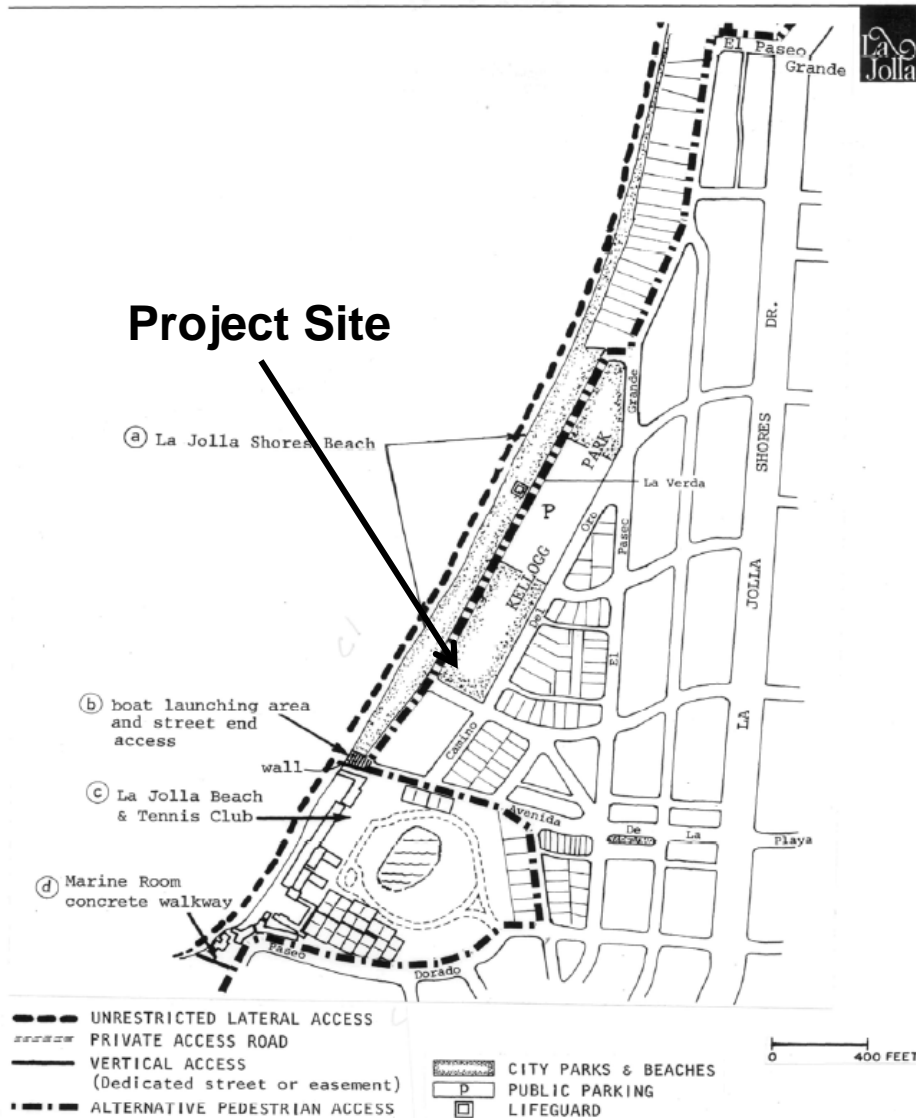




Land Use Map

The Map CDP/ Kellogg Park
PROJECT NO. 635682





Subarea C: La Jolla Shores - Physical Access



La Jolla Community Plan
 City of San Diego • Planning Department

Figure C

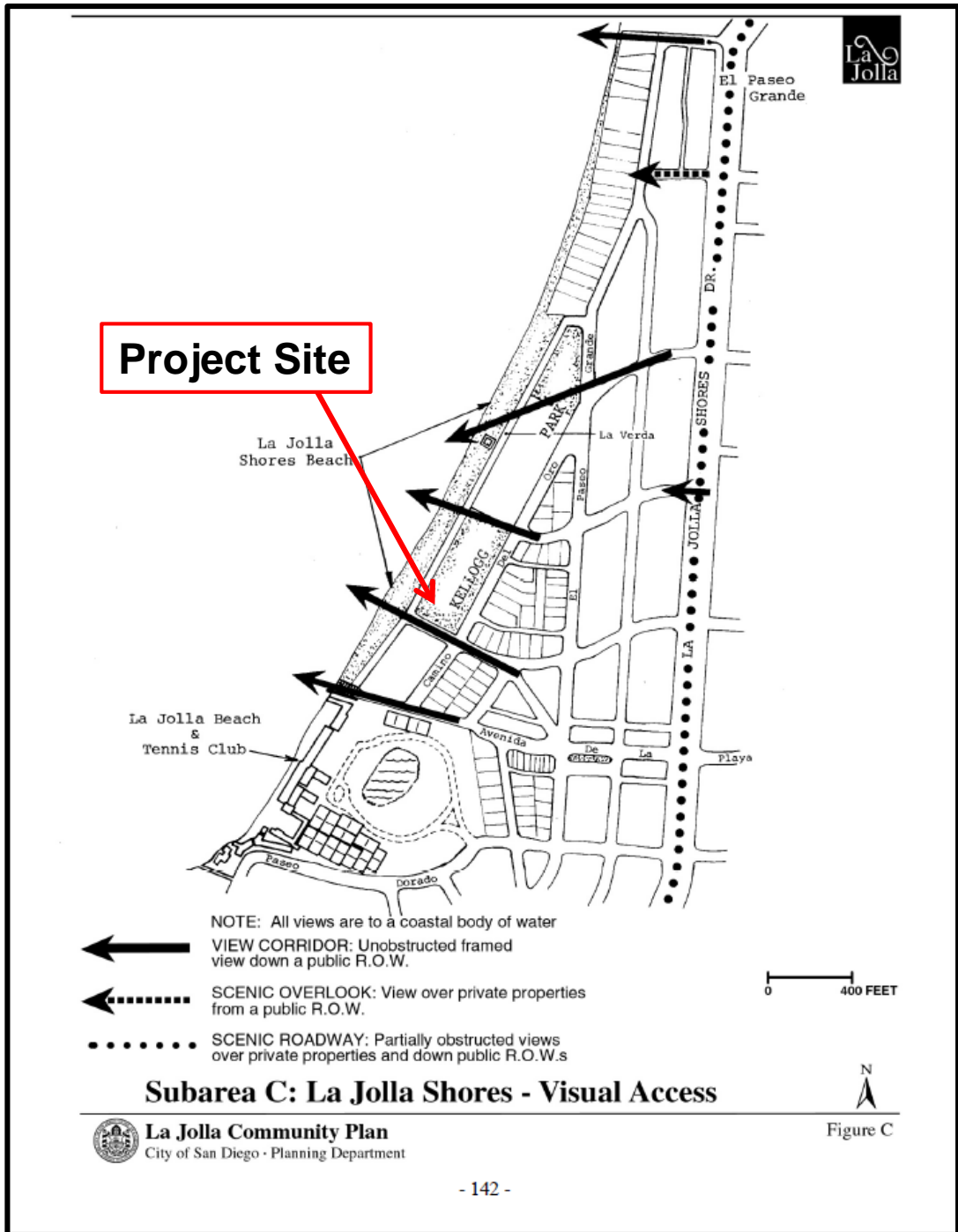


Physical Access

The Map - Kellogg Park
 PROJECT NO. 635682

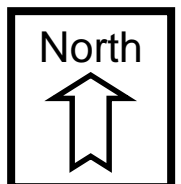
North

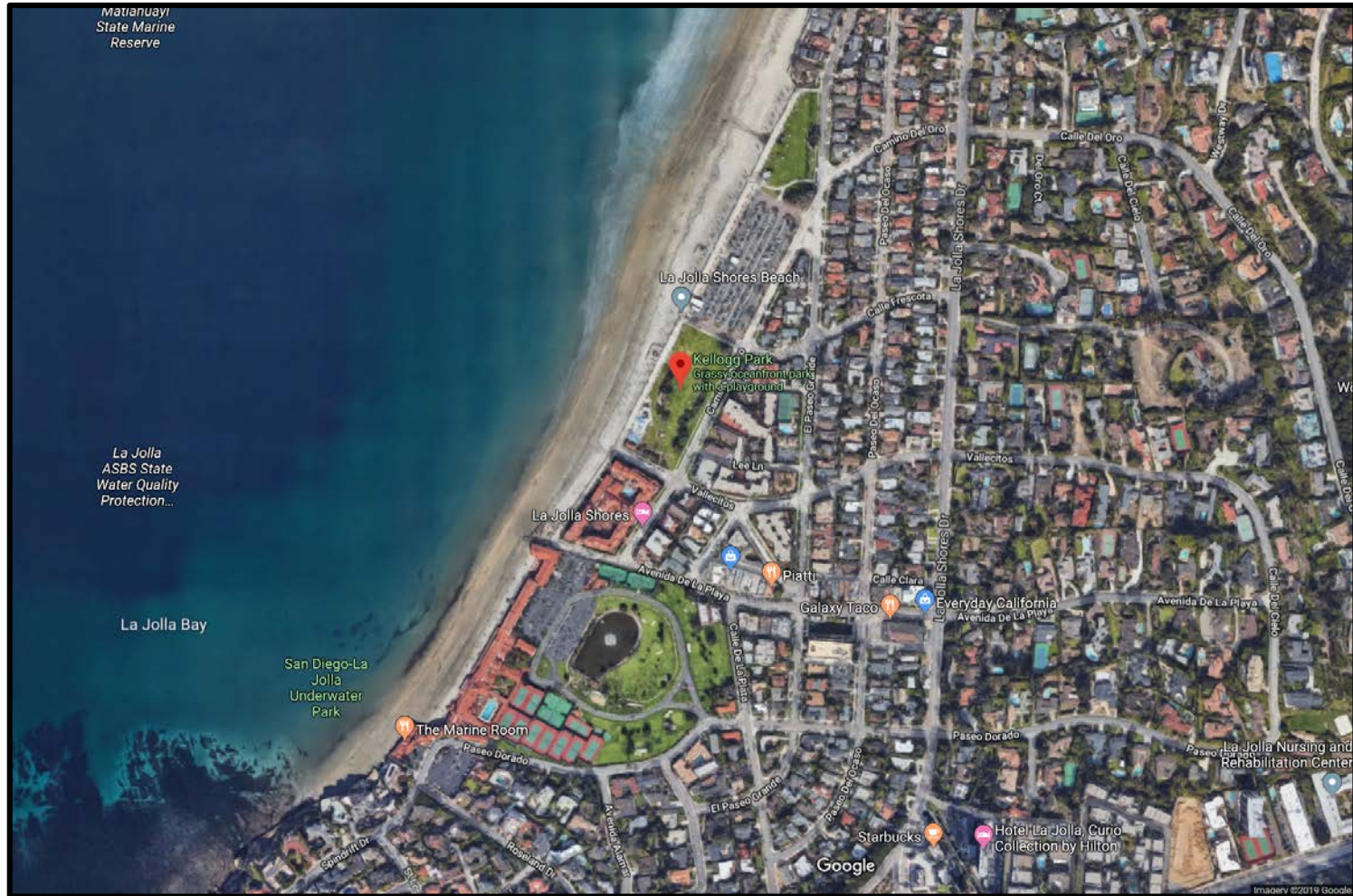




Visual Access

The Map – Kellogg Park
 PROJECT NO. 635682

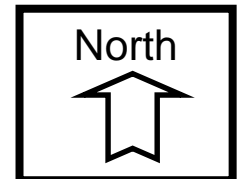




Aerial Photo

Project Name / Project Address

PROJECT NO. 635682



HEARING OFFICER RESOLUTION NO. _____
COASTAL DEVELOPMENT PERMIT NO. 2326837
THE MAP - PROJECT NO. 635682

WHEREAS, the Walter Munk Foundation for the Oceans, a California nonprofit public benefit Corporation and Mary Munk (Executive Vice President), Permittee, filed an application with the City of San Diego for a permit to construct an open fence and railing surrounding “THE MAP”, a litho-mosaic map of the Grand sub-sea Canyons of La Jolla and learning exhibit, to be installed on the ground between the playground and the Kellogg Park Comfort Station. The project will also improve the sidewalks leading from the public right-of-way on Vallecitos to “THE MAP” (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2326837.), on portions of Kellogg Park “South Area” a 3.18-acre park;

WHEREAS, the project site is located near 2100 Vallecitos in the Open Space-Park (OP-1-1) Zone, the Coastal Overlay (Appealable area), the Coastal Height Limitation Overlay Zone, and the First Public Roadway, and Transit Priority Area of the La Jolla Community Planning and Local Coastal Program area;

WHEREAS, the project site is legally described as: 002107 Block 31, lots 1-11 Street and Alley Closed & lots 1-10 block 26 Map 1964 & In the City of San Diego;

WHEREAS, on August 7, 2019 the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15311, which allows for the construction, or placement of minor structures accessory to existing commercial, industrial, or institutional facilities

and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on September 4, 2019, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 2326837 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. 2326837:

Coastal Development Permit - Section 126.0708 (a)

1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The proposed project would reinstall a 2,342-square-foot litho-mosaic educational tool known as "THE MAP" which contains an educational depiction of the "Grand Canyons of La Jolla" and learning exhibits, to be installed on the ground within Kellogg Park between the playground and the Comfort Station near 2100 Vallecitos. The project will include open fencing around "THE MAP" to protect the learning exhibit and viewers. Public improvements include 710 square feet of new, and reconstructed sidewalks leading from the Vallecitos public right-of-way around the comfort station to "The Map." The site is located immediately next to the Pacific Ocean along the east side of Walter Munk Way boardwalk, in the Open Space-Park (OP-1-1) Zone, the Coastal Overlay Zone (Appealable area), the First Public Roadway, and Transit Priority Area within the La Jolla Community Plan and Local Coastal Program (Community Plan) area.

"THE MAP" is a learning exhibit (at-grade) designed to both enhance the park area and educate visitors to the topography and various ocean creatures found in the Grand Canyons of La Jolla. The proposed fencing around "THE MAP" will be thirty-six inches tall with round bronze posts and bronze wire cables providing maximum visibility through the railing. The fence is and capped with a teak railing, Therefore, the proposed development will enhance and protect public views to and along the ocean.

"THE MAP" adjacent to the boardwalk is thirty-four feet wide, and twenty-nine feet wide adjacent to the turf or park side. Public access is provided in three specific ways: (1) through "THE MAP" on the northwest corner where a six-foot four-inch opening is provided to the boardwalk; (2) access is also provided on the southeast edge portion of "THE MAP" which is split into two sections: one six-foot eight-inch-wide opening, a vegetated area, and another six-foot two-inch-wide opening; and (3) paved passages are provided on either side of "THE MAP": on the comfort station side to the south and next to the playground to the north of

“THE MAP”. The fencing will not impede access to the boardwalk or the beach. According to the Community Plan, the proposed fencing around “THE MAP” does not impede physical access or block any designated visual corridors as depicted in the Plan.

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 the La Jolla 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. All work is being conducted in previously developed or disturbed areas within the existing Kellogg Park. A review of the resource maps, aerial maps, and street level photography show that the project site does not contain any sensitive biological resources. The site is also not within any other areas defined under the environmentally sensitive lands regulations. Since there are no environmental resources present at this location, the proposed 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. The site is located in Kellogg Park within the Open Space-Park (OP-1-1) Zone, the Coastal Overlay Zone (Appealable area), the First Public Roadway, and Transit Priority Area of the Community Plan. The Community Plan designates the site as “Open/park. The proposed project is consistent with the land use designation as the “THE MAP” is a public amenity added to the site.

One of the goals of the Coastal Act is to protect and expand both visual and physical access to the shoreline. “THE MAP” is an educational amenity depicting the underwater world of the adjacent Pacific Ocean canyon system topography, flora, and fauna. The associated improvements will maintain and enhance the existing park land, as well as provide recreational and learning opportunities consistent with the Coastal Act and General Plan standards. Multiple access points are provided through and around “THE MAP”. The fencing around “THE MAP” will not change the access points to the comfort station and to the playground. Further, the fencing will not impede access to the boardwalk or the beach. The design of the open fencing allows visibility from the park to the ocean.

Therefore, the 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 site is within Kellogg Park within the First Public Roadway and the Pacific Ocean. The boardwalk to the west of the site provides north south access between Kellogg Park and the ocean, consistent with the public access policies of Chapter 3 of the California Coastal Act. “THE MAP” measures thirty-four feet in length along the boardwalk and twenty-nine feet

adjacent to the turf or park side. "THE MAP" provides an additional public recreation opportunity which supports the public recreation policies of the Coastal Act. Public access to the Pacific Ocean is provided through and around "The Map," to enhance public access to the ocean.

The shoreline along Kellogg Park provides recreational opportunities and scenic vistas as indicated in the Community Plan. The project enhances the shoreline experience with "THE MAP", provides safe public access around and through the area, and provides public recreational and learning opportunities. Therefore, the proposed development is in compliance with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

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. 2326837 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2326837, a copy of which is attached hereto and made a part hereof.

Helene Deisher
Development Project Manager
Development Services

Adopted on: September 4, 2019

IO#: 24008257

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24008257

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2326837

THE MAP PROJECT NO. 635682

HEARING OFFICER

This Coastal Development Permit is granted by the Hearing Officer of the City of San Diego to City of San Diego Parks and Recreation, Owner, and Walter Munk Foundation for the Oceans, a California nonprofit public benefit Corporation and Mary Munk (Executive Vice President), Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The site is located within the OP-1-1 Zone, the Coastal Overlay Zone (Appealable area), and within the first public roadway within the La Jolla Community Plan area. The project site is legally described as: The project site is legally described as: 002107 Block 31, lots 1-11 Street and Alley Closed & lots 1-10 block 26 Map 1964 & In.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to allow an open fence with a railing around "THE MAP" a litho-mosaic map of the Grand Canyons of La Jolla and learning exhibit on the ground between the playground and the Kellogg Park Comfort Station near 2100 Vallecitos. The project will also improve the sidewalks leading from the public right-of-way on Vallecitos to "THE MAP" and the park. The project area is approximately 3, 052 square feet as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 4, 2019, on file in the Development Services Department.

The project shall include:

- a. Thirty-six-inch-high open railing around the reinstalled litho-mosaic map, demolition of concrete, and sidewalk improvements; and
- b. 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 18, 2022
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 Permittee shall secure all necessary building permits. The 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" condition(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.

11. The 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 Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the 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, 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 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 Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Permittee.

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 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 September 4, 2019 and Resolution No.
XXX

Coastal Development Permit Approval No. 2326837
Date of Approval: September 4, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Helene Deisher
Development Project Manager

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

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

City of San Diego Parks and Recreation
Owner

By _____
Andy Field
Director, Interim, Parks & Recreation

Walter Munk Foundation for the Oceans
Permittee

By _____
Mary Munk
Executive Vice President,
Board Vice Chair, Director

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



THE CITY OF SAN DIEGO

Date of Notice: August 7, 2019

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24008257

PROJECT NAME / NUMBER: "The Map" CDP / 635682

COMMUNITY PLAN AREA: La Jolla

COUNCIL DISTRICT: 1

LOCATION: 2100 Vallecitos, San Diego, CA 92037

PROJECT DESCRIPTION: The project requests a Coastal Development Permit (CDP) for the construction of a railing around the previously developed 2,342 square foot site called "The Map," adjacent to Kellogg Park Comfort Station in La Jolla Shores. The project also proposes improvements to hardscape and landscape. The project is designated Park Open Space pursuant to the La Jolla Community Plan and Local Coastal Program and is subject to the OP-1-1 zoning requirements. The project is also subject to the Coastal Overlay Zone (Appealable), First Public Roadway, Transit Priority Area, and Council District 1.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego, Hearing Officer

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15311, *Accessory Structures*.

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City conducted an environmental review which determined that the proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15311, which allows for the construction, or placement of minor structures accessory to existing commercial, industrial, or institutional facilities. No environmental impacts were identified for the proposed project. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply.

DEVELOPMENT PROJECT MANAGER: Helene Deisher

MAILING ADDRESS: 1222 First Avenue, MS 301, San Diego, CA 92101-4153

PHONE NUMBER / EMAIL: (619) 446-5223 / hmdeisher@sandiego.gov

On August 7, 2019, the City of San Diego 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 within 10 business days from the date of the posting of this Notice (August 21, 2019). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

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

*See Committee minutes and/or agenda for description of projects, deliberations, and vote.
Anyone may request a consent item be pulled for full discussion by the LJCPA.*

Motion: Approve consent agenda (Jackson/Gordon) Vote: 14-0-1, Motion Carries!

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Jackson, Kane, Little, Mangano, Manno, Neil, Rasmussen, Shannon, Weissman

Opposed: 0

Abstain: Crisafi (chair)

Comment: Item 10.2 Triathlon Event is on October 20, not 29.

The following agenda items are ACTION ITEMS unless otherwise noted and may be *de novo* considerations. Prior actions by committees/boards are listed for information only.

Courtney arrives; reflected in vote count

11.0 – 11.6 LJCPA Review and Action Matter

11.0 Letter from President to support the maintenance & repair of Kellogg Park Marine Reserve Map and access ways, and to advise DSD that this action meets Coastal Permit Exemption guidelines. On-site work to be activated after summer moratorium. Information attached.

Map is on view at old NOAA building. Development Services is trying to find a way to permit this as repair and maintenance; applicant has been working with coastal staff and commission to see that it meets all policy and code requirements. Fabricated off site and ready to move to site. High quality piece, full mosaic, 2300 Sq. Ft.

Charles White: He disagrees with following statements in the attached letter dated June 15, to Helene Deisher:

- o The Kellogg Park replacement map and access ways adjacent to the Vallecitos comfort station qualifies as a repair and maintenance project.
- o Replacement meets, matches or exceeds access.
- o Described background on original map.
- o 2015 original map completely removed and replaced with decomposed granite.
- o This map is completely new map which has a fence.
- o As of June 2019, drawings and representations submitted by Mary to the Coastal Commission were denied. She does not have CC approval.

Edie Munk:

- o Mary's fundraising efforts have been for a new map, not repair and maintenance.
- o There is no map to repair.
- o There are no plans or drawings to review.
- o Why is this new project not falling under policies and procedures of the City?

Tom Grunow: Power Point presentation describing the Map

- o Beautiful gift for community.
- o Approved system used in several communities.
- o Existing path from Vallecitos being widened.
- o City will decide if coastal access is unnecessarily restricted
- o Fence made of bronze very low profile.
- o Creates great educational opportunities.

Mary Munk:

- o Bottom layer of original map remains.
- o Map placed in same place
- o Installation of old map was bad job. Some issues remain.

Crisafi: Are you opposed to the map or the process? Reply: We're concerned about public access. Coastal Commission objected because of no pass through.

Nan Renner: Birch Aquarium. Map is useful education and for field programs.

Little: Can't support putting a fence around it. Mary described fence, pathways and access points.

Gordon: Is footprint same as old map? Mary: Footprint is same as what they gave us permission to do for old map. Gordon: original approval CDP/SDP? Mary: No, only Park & Rec approval.

Gordon: This is analogous to replacing a house burned down with another house covering the same footprint; a full CDP/SDP process would not be required. Mistake with first map not durable; logical to add fence. Disagrees that it blocks access to beach.

Costello: Will new map be more durable. Grunow: new type of installation, new material, very durable.

Neil: Any change to playground materials. Reply: No.

Motion: Approve letter as is. (Gordon/Kane) Vote: 11-4-1: Motion Carries

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Kane, Little, Mangano, Manno, Shannon, Weissman

Opposed: Courtney, Jackson, Little, Rasmussen

Abstain: Crisafi (chair)

11.1 Micro mobility parking corrals for La Jolla. City proposal for placement of numerous defined spaces within the public street for the parking of dockless scooters and bicycles. Mauricio Medina and city staff. T&T June 19 minutes with response attached.

Presentation by Mauricio Medina: A packet handed out and power point presented. He is here to facilitate community feedback on locations city staff and traffic engineers have put together for corrals to park dockless scooters. The Corrals are painted blocks on asphalt on city streets adjacent to red zones ranging from 10 x 6 ft. to 20 x 6ft. where operators will be required to stage the devices. Picture shown on screen. If no corral the 4 x 40 rule (4 devices together 40 ft apart) will be in effect. The goal is to get the devices off the sidewalks.

- o The first spread sheet in the packet is the master list staff sent to the council office as proposed locations for corrals in La Jolla village – around 150.
- o The spots were compiled from data provided by companies on hotspots where companies were staging and where there were large amounts of drop offs. The data was compared with corresponding red zones around it to put the locations on the map where they would not block fire hydrants or parking.
- o City staff has asked for input from all LJ community planning groups.
- o Since there was no desire for corrals in residential areas they have been removed from the list - highlighted in yellow.
- o Orange highlights show sites lifeguards wanted removed.
- o The next spreadsheet shows remaining sites. From this list T & T board members made a list of 71 sites plus 10 more indicated by an asterisk.
- o The Mayors office sent a letter to shared mobility device companies saying the City will pull your permit if you fail to comply with these regulations even before the 6 months are up and will take noncompliance into consideration for permit renewal.


Public Comment:

Miller: Who is in charge of enforcement and how will it work: Reply: Get it Done app will be used to report infractions. Miller: Our tax money is providing private companies solutions to solve their problems. Reply: City's website describes fully the permitting fees assessed per device and \$4,000 to get permit.

Weiss: Rental car companies go after the driver to recover penalties for violation of parking laws incurred by the driver. Why doesn't this apply to scooter rental companies. They have information of driver from credit cards used. These scooters are not good for the environment as the city says. They are a substitute for walking. Walking is good; scooters are dangerous. Get it done app is inappropriate for reporting a scooter. It asks for a license number. If it is reported as a sidewalk violation the report to owner of the scooter and the owners do nothing. He gave examples. I ask the CPA to vote to oppose all corrals until there is a mechanism to enforce penalties for leaving scooters anywhere. More money is needed and the money should come from the people who are making money off the devices. (audience applause) Reply: the action is whether to approve locations. Scooters are here.

Caroline Meade: There are other needs requiring striping on streets. This will add another striping effort on the street causing confusion. Soon there will be street vending on the sidewalks. The city needs to be aware of many different entities impacting the city streets causing havoc. Is there a comprehensive plan for these impacts. Reply: The corrals are mutually exclusive.

More comments followed opposing the corrals and scooters.

	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 box for type of approval(s) requested: ☐ Neighborhood Use Permit ☒ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit ☐ Variance
☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title: The MAP **Project No. For City Use Only:** 635682
Project Address: 2100 Vallecitos, La Jolla, CA 92037

Specify Form of Ownership/Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General - What State? _____ Corporate Identification No. _____
☐ Partnership ☐ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: City of San Diego, Parks and Recreation Dept ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 202 C Street, MS 39
 City: San Diego, State: CA Zip: 92101
 Phone No.: 619-235-1110 Fax No.: _____ Email: AField@sanidiego.gov
 Signature: Andrew Field Date: 5/1/19
 Additional pages Attached: ☐ Yes ☒ No

Applicant

Name of Individual: WALTER MUNK FOUNDATION FOR THE OCEANS/MARY MUNK ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 9530 La Jolla Shores Drive
 City: La Jolla State: CA Zip: 92037
 Phone No.: (619) 840-0250 Fax No.: _____ Email: mary@waltermunkfoundation.org
 Signature: Mary Munk Date: April 26, 2019
 Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: _____
 City: _____ State: _____ Zip: _____
 Phone No.: _____ Fax No.: _____ Email: _____
 Signature: _____ Date: _____
 Additional pages Attached: ☒ Yes ☐ No

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
 Upon request, this information is available in alternative formats for persons with disabilities.

Ownership Disclosure -Board Members to the Walter Munk foundation for the Oceans

Name

Address

Mary Munk

La Jolla, CA 92037

Julie Scarpella

La Jolla, CA 92037

Paula Selby

La Mesa, CA 91941

George Orbelian

San Francisco, CA 94121

Damien Leloup

La Jolla, CA 92037

THE MAP

Key Map for Photographic Survey
Project # 635682

BEACH

SITE

KELLOGG PARK

VALLECITOS

CAMINO DE ORO

Google Earth

100 ft

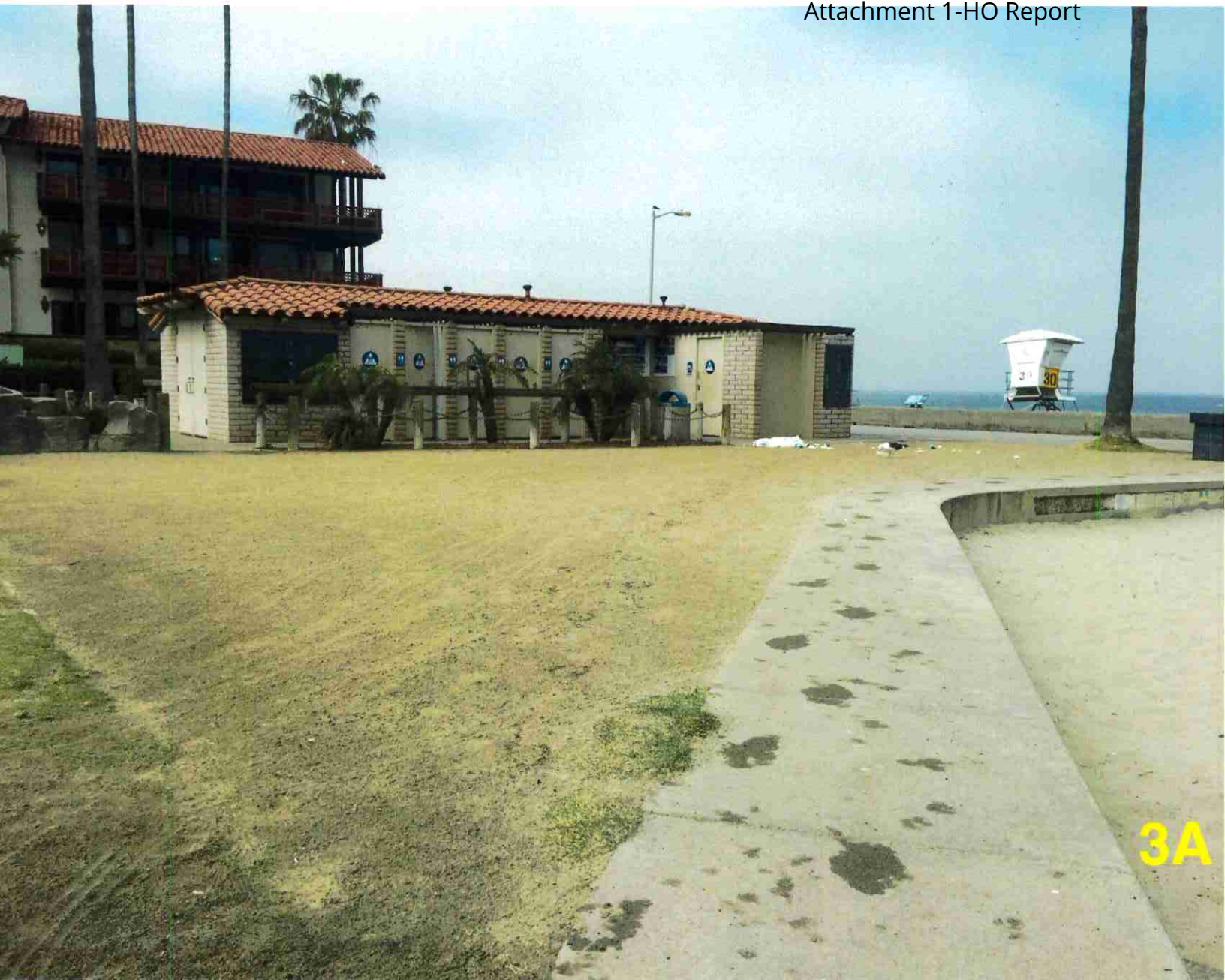




Original Condition of Project Site



2A













APPLICANT
Walter Munk Foundation for the Oceans
9530 La Jolla Shores Drive
La Jolla, CA 92037

SCOPE OF WORK
Coastal Development Permit
Purpose is to repair The Map at La Jolla Shores Kellogg Park,
Camino del Oro, La Jolla, CA 92037

- Repair of educational Lithomosaic paving (2342 SF)
- Proposed open railing
- Proposed concrete entry walk linking Kellogg Park, The Map, and the public sidewalk on Vallecitos (710 SF)

TEAM MEMBERS
Project Manager
Mary Munk
619-840-0250

General Contractor
Thomas Grunow #551663
858-459-8742

Landscape Architect
Leslie A. Ryan #PLA 6225
619-200-8297

Architect
Donald Goertz #C4169
858-454-2608

ASSESSORS PARCEL NUMBER
346-221-03-00

LEGAL DESCRIPTION
002107 BLK 31* LOTS 1-11* ST & ALLEY CLSD & LOTS 1-10 BLK 26 MAP
1946 & IN

TOTAL AREA of THE MAP
3,052 SF
(Kellogg Park "South Area" is 3.18 acres total)

SHEET INDEX
L.0.0 TITLE SHEET
L.1.0 DEMOLITION PLAN
L.1.1 GROUND DISTURBANCE DIAGRAM
L.2.0 SITE PLAN
L.2.1 PUBLIC ACCESS DIAGRAM
L.3.0 GRADING & DRAINAGE PLAN

TYPE OF CONSTRUCTION
N/A

OCCUPANCY CLASSIFICATION
N/A

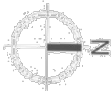
ZONING DESIGNATION
OP-1-1
Coastal Overlay Zone
La Jolla Shores Planned District Ordinance

GROSS SITE AREA
3,052 SF

GEOLOGIC HAZARD CATEGORY
52 - Level areas, favorable geologic structure, low risk

LANDSCAPE SF
N/A

TITLE SHEET					
THE MAP					
Kellogg Park, La Jolla, CA					
CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 6 SHEETS					PROJECT NO. 635682
DESCRIPTION/DATE	BY	APPROVED	DATE	FILMED	
ORIGINAL / 4-29-19	LR				
RESUBMITTAL 6-28-19	LR				
RESUBMITTAL 8-5-19	LR				
					L.0.0



THE MAP
of the Grand Canyons of La Jolla



EXISTING AND PROPOSED USES

THE MAP® of the Grand Canyons of La Jolla is a 2,342 sq. ft. area located between the South Comfort Station and the Children's Playground in Kellogg Park adjacent to Walter Munk Way that served as an educational plaza.

The project consists of the repair of the above-referenced MAP, creating a much improved and greatly enhanced educational plaza with a railing to keep the area clean and ensure a safe learning environment for school children, scuba diving classes, parents with small children, etc.



VICINITY MAP

LESLIE A. RYAN
Landscape Architect PLA 6225

464 G Avenue
Coronado, CA 92118

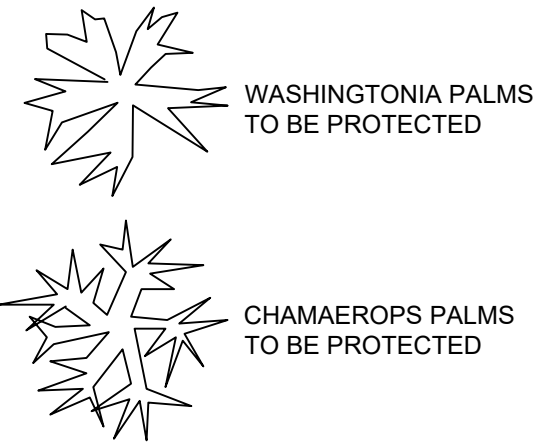
619.200.8297
leslie@aerea-studio.com



DEMOLITION / PROTECTION
LEGEND

- PLANTING, DEBRIS, AND SOIL
PILE TO BE REMOVED FROM
THIS AREA
- EXISTING CONCRETE AND
SECTION OF CONCRETE
MOWSTRIP TO BE REMOVED
- EXISTING 4" DP. DECOMPOSED
GRANITE TO BE REMOVED

SEE BELOW FOR DEPTHS AND QUANTITIES
OF REMOVALS



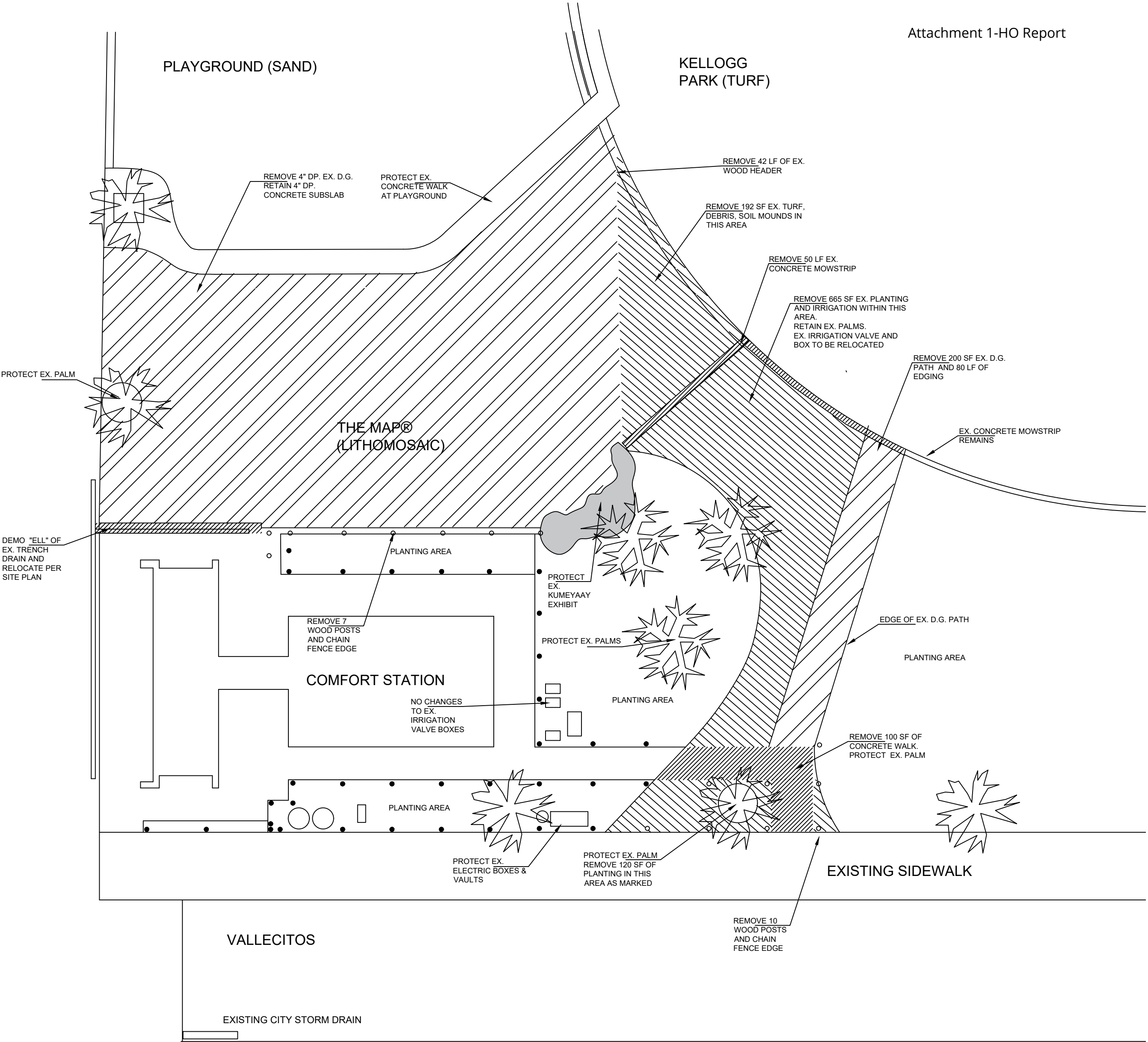
BEACH

CONCRETE BOARDWALK
(WALTER MUNK WAY)

DEMOLITION NOTES

ALL DEBRIS AND DELETERIOUS MATERIALS DERIVED FROM
DEMOLITION CLEARING OPERATIONS SHALL BE LEGALLY
DISPOSED OF OR RECYCLED OFF-SITE.

TO BE REMOVED:		
CONCRETE 4" DEEP	100 SF	(1.22 CY)
CONCRETE MOWSTRIP	50 LF	(1.22 CY)
DECOMPOSED GRANITE 4" DEEP	2350 SF	(28.72 CY)
TOPSOIL TO 4" DEEP	342 SF	(4.18 CY)
TOPSOIL TO 8" DEEP	515 SF	(12.5 CY)
WOOD HEADER	42 LF	---
3' H., 6" DIA. WOOD POSTS	17	---



LESLIE A. RYAN
Landscape Architect PLA 6225

464 G Avenue
Coronado, CA 92118

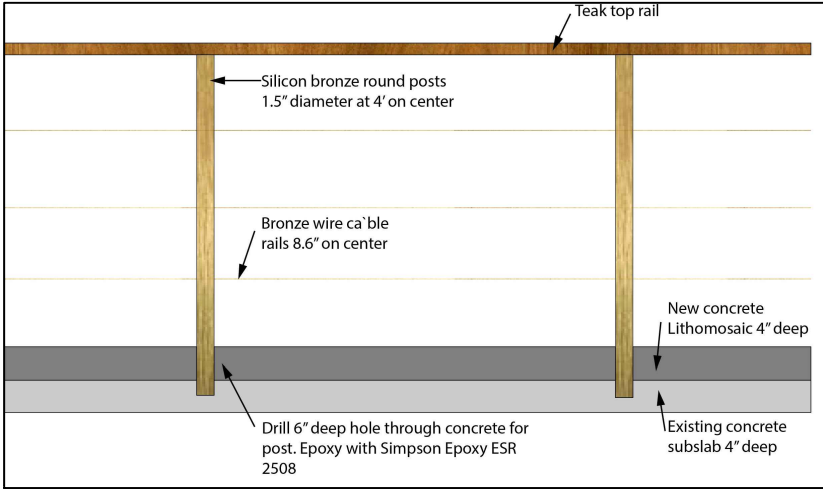
619.200.8297
leslie@aerea-studio.com



DEMOLITION PLAN
THE MAP

Kellogg Park, La Jolla, CA

CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 2 OF 6 SHEETS					PROJECT NO. 635682
DESCRIPTION/DATE	BY	APPROVED	DATE	FILMED	
ORIGINAL / 4-29-19	LR				
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RESUBMITTAL 8-5-19	LR				
					L.1.0



PROPOSED RAILING AROUND THE MAP® SHOWING POSTS EXTENDING 6" INTO THE EXISTING SUBSLAB AND CONCRETE



(2005) ENTIRE AREA FROM COMFORT STATION TO 3' EAST OF CURRENT LOCATION OF D.G. PATH WAS COMPLETELY EXCAVATED AND REGRADED, WITH NEW WALKWAYS, POST-AND-ROPE, AND PLANTING, INCLUDING RELOCATION OF LARGE PALM TREE CLUMP IN RIGHT OF PHOTO



(2008) SITE EXCAVATION TO 2' DEEP FOR STRUCTURE OF KUMEYAAY EXHIBIT AND THE MAP®



(2008) SITE FOR THE MAP® GRADED FOR CONCRETE - VIEW LOOKING WEST TO OCEAN

GROUND DISTURBANCE

Exhibit "A" shows the extent of excavation and ground disturbance in 2005. Exhibit "B" shows the extent of excavation and ground disturbance in 2008. The area within the boundaries of Exhibit "B" was excavated to +2' depth, and regraded for a 4" thick concrete subslab for THE MAP®, the KumeYaay exhibit, concrete walkways, post and rope, planting, and utilities.

1. Existing 2150 SF of 4" thick concrete subslab to remain. Existing 4" deep decomposed granite over the subslab will be removed and replaced with 4" deep Lithomosaic.
2. 904 SF concrete for improved walkway will replace 100 SF of existing concrete, 200 SF of d.g. path, and 604 SF of existing topsoil.
3. 192 SF of 4" thick subslab to be installed between the existing subslab and the turf in the Park. This will be covered with 4" thick Lithomosaic.
4. Thickened edge under railings is 8" deep x 9" wide x 87' long.

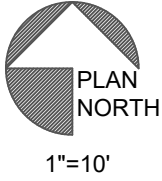
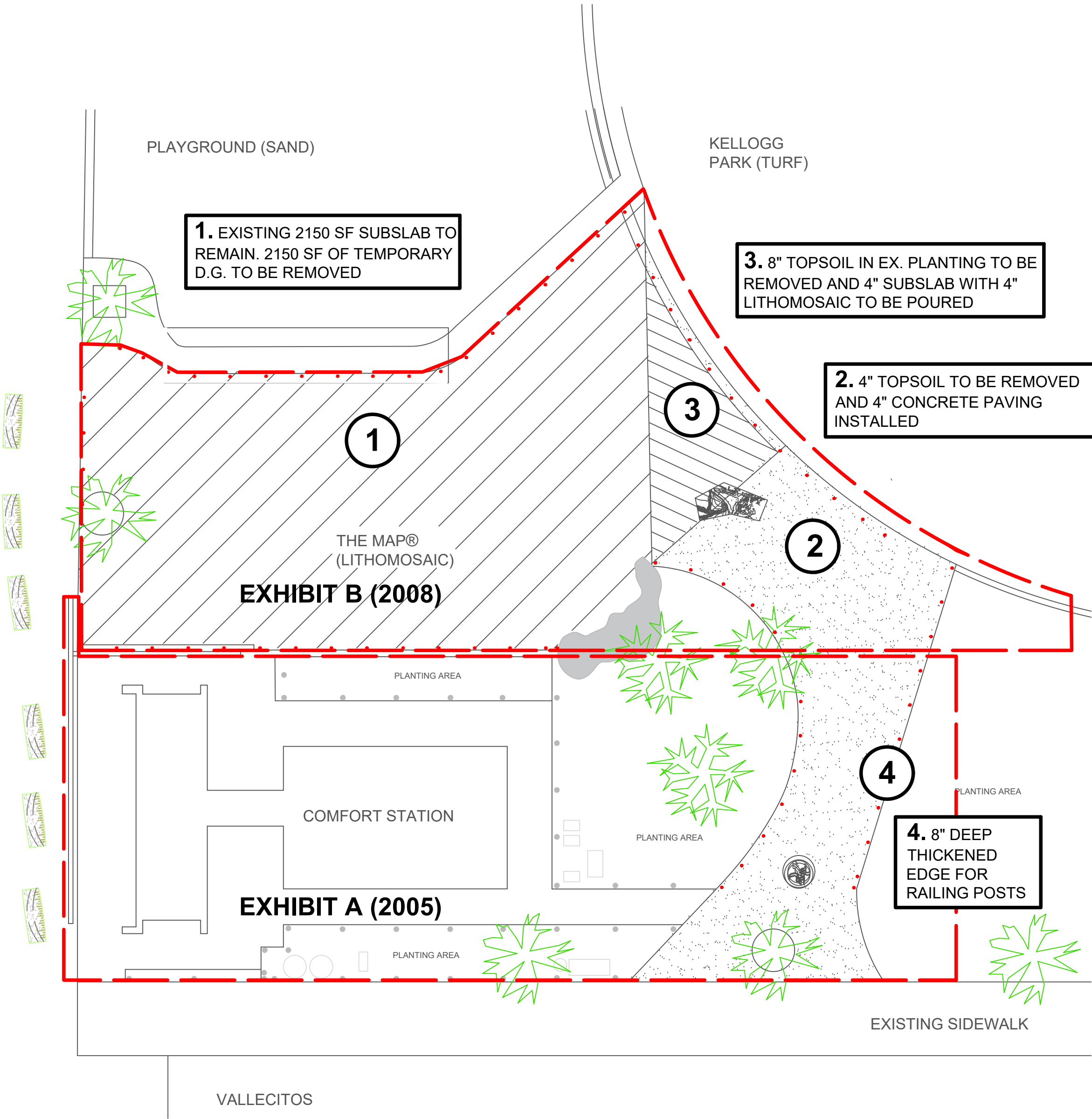
ALL EXCAVATION IS TOPSOIL IN EXISTING PLANTING AREAS
NO EXCAVATIONS ARE DEEPER THAN 8".

TOTAL TO BE REMOVED (PER DEMO PLAN L.1.0):
EXISTING CONCRETE = 2.44 CY
EXISTING D.G. = 28.72 CY
TOPSOIL = 16.68 CY

BEACH
CONCRETE BOARDWALK (WALTER MUNK WAY)



(2008) CONCRETE SUBSLAB 4" DEEP SHOWN BEFORE ADDING CONCRETE FOR THE MAP®



LESLIE A. RYAN
Landscape Architect PLA 6225

464 G Avenue
Coronado, CA 92118

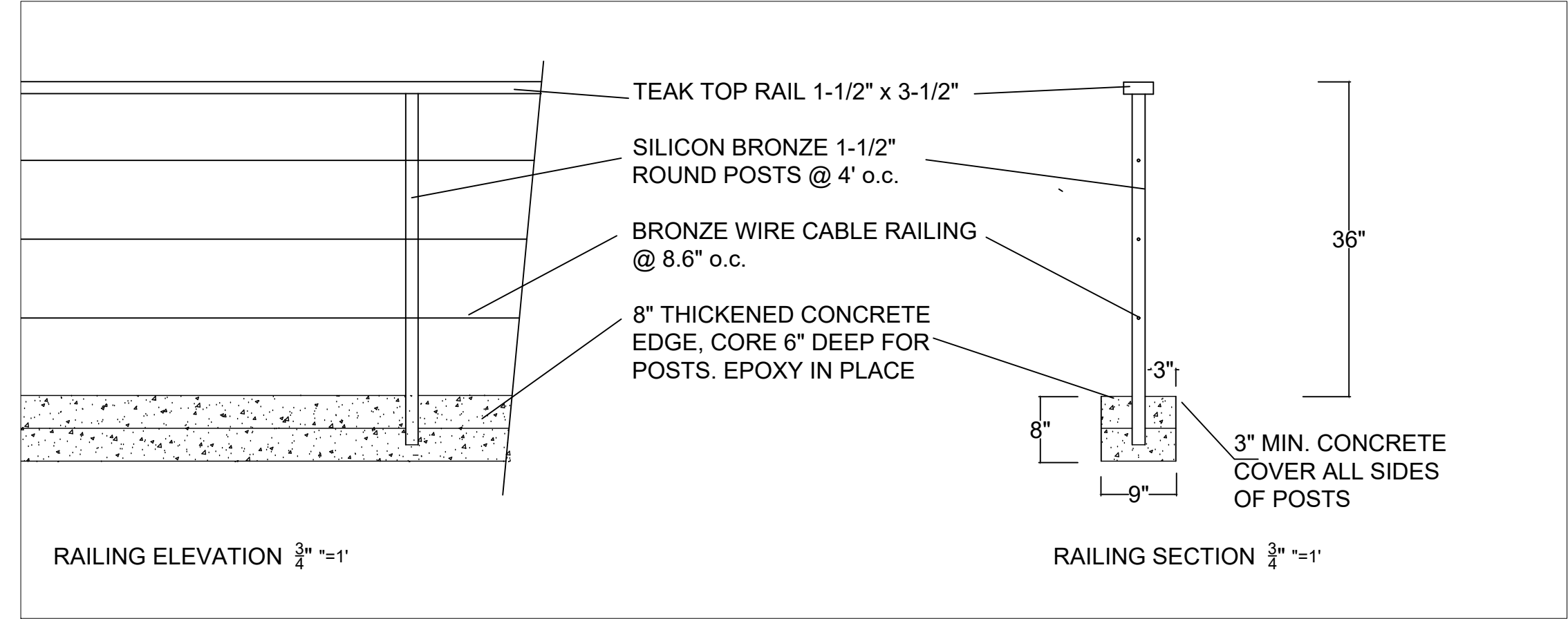
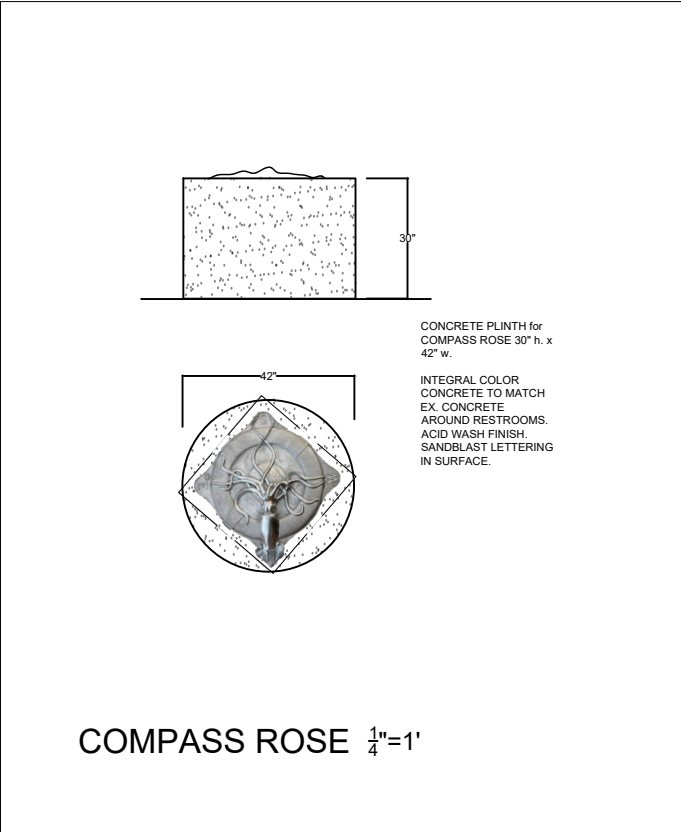
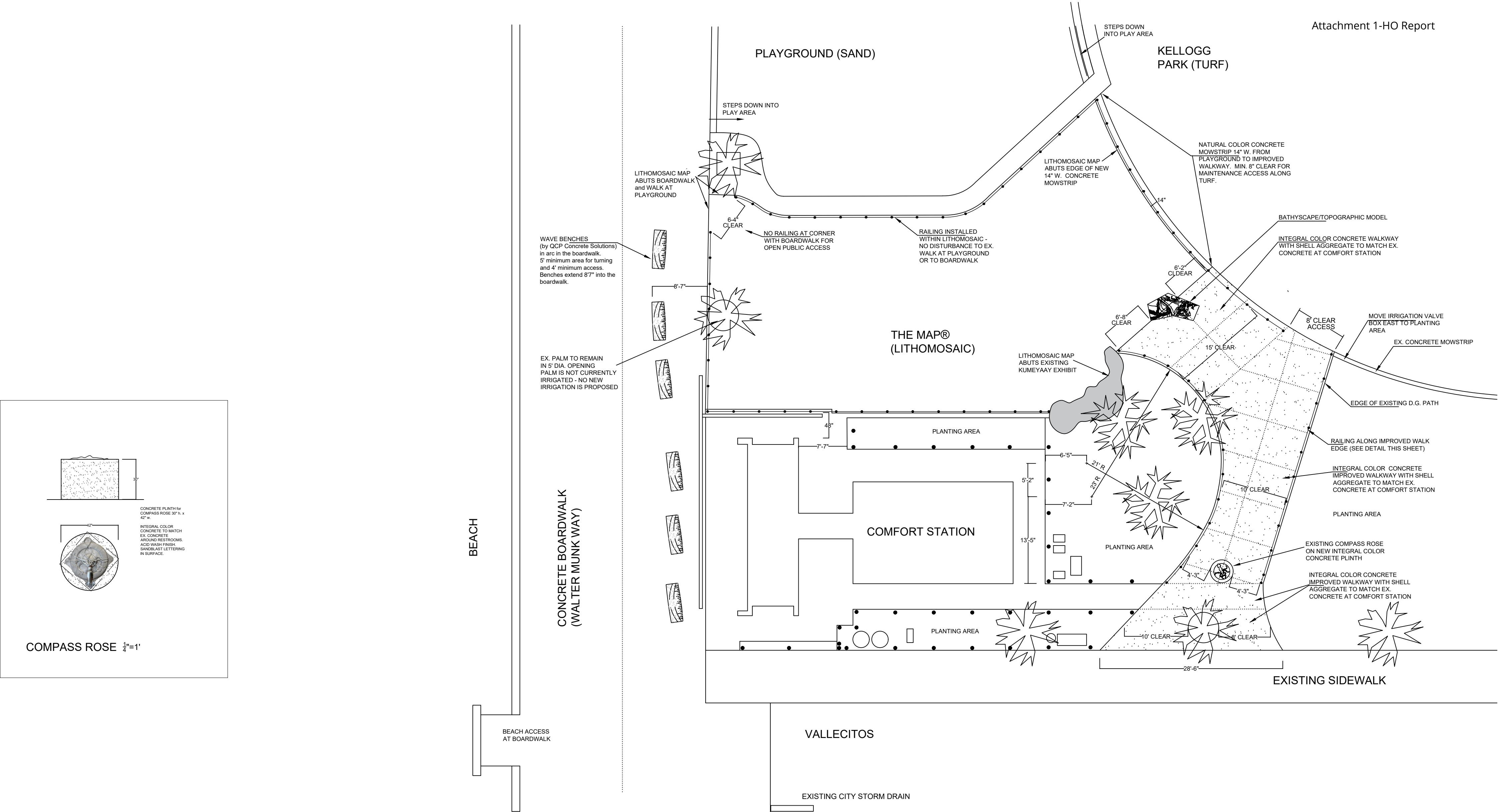
619.200.8297
leslie@aerea-studio.com



GROUND DISTURBANCE DIAGRAM
THE MAP

Kellogg Park, La Jolla, CA

CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 3 OF 6 SHEETS					PROJECT NO. 635682
DESCRIPTION/DATE	BY	APPROVED	DATE	FILMED	
ORIGINAL / 4-29-19	LR				
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					L.1.1



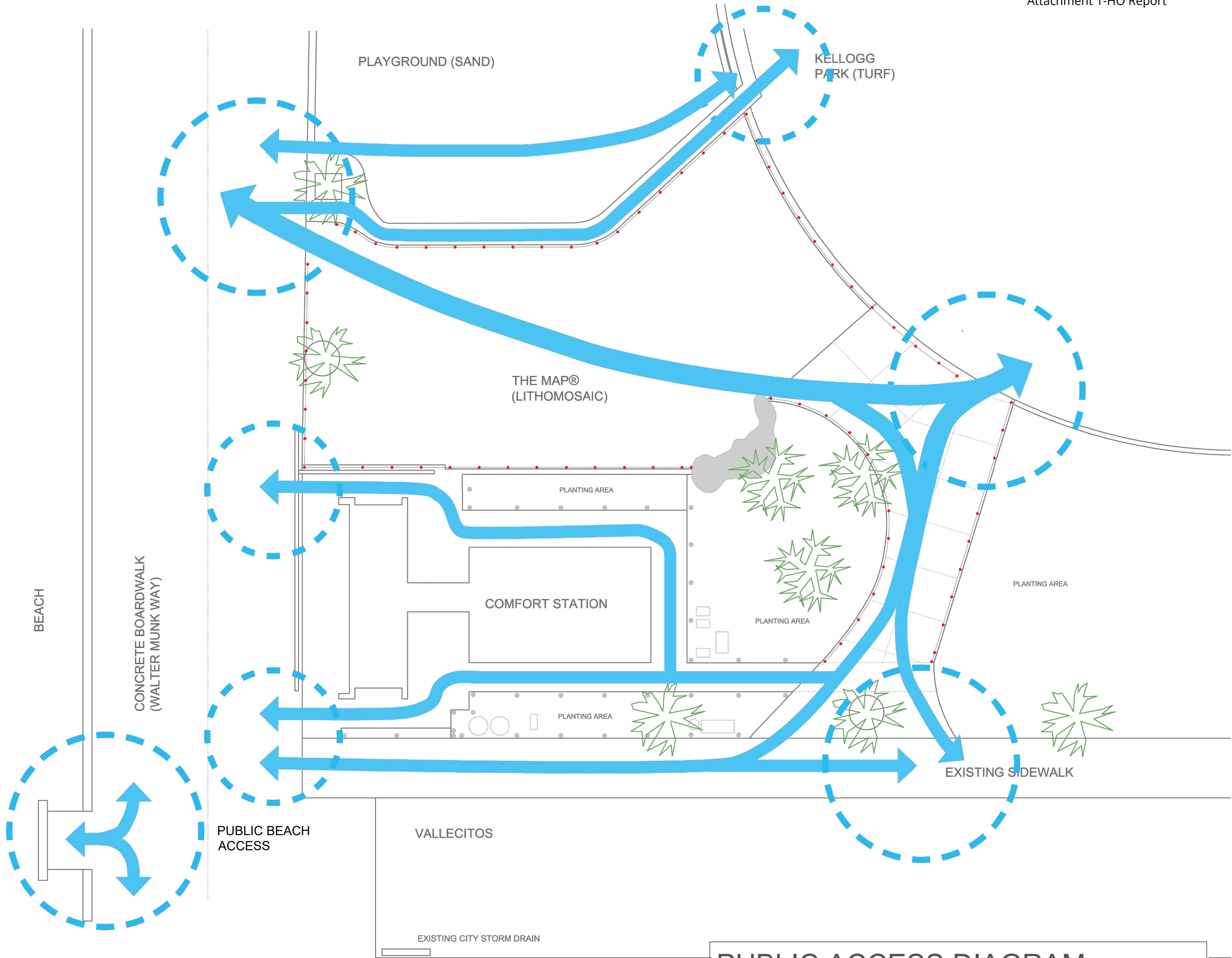
LESLIE A. RYAN
Landscape Architect PLA 6225

464 G Avenue
Coronado, CA 92118

619.200.8297
leslie@aerea-studio.com



SITE PLAN					
THE MAP					
Kellogg Park, La Jolla, CA					
CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 4 OF 6 SHEETS					PROJECT NO. 635682
DESCRIPTION/DATE	BY	APPROVED	DATE	FILMED	
ORIGINAL 4-29-19	LR				
RESUBMITTAL 6-28-19	LR				
RESUBMITTAL 8-5-19	LR				
					L.2.0



NOTES

- MULTIPLE ACCESS POINTS ARE AVAILABLE TO THE BOARDWALK AND THE OCEAN
- ACROSS THE MAP MURAL,
 - FROM THE TURF AREA OF THE PARK
 - FROM THE PUBLIC SIDEWALK,
 - AROUND THE COMFORT STATION

LESLIE A. RYAN
Landscape Architect PLA 6225

464 G Avenue
Coronado, CA 92118

619.200.8297
leslie@aerea-studio.com



PUBLIC ACCESS DIAGRAM

THE MAP

Kellogg Park, La Jolla, CA

CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 5 OF 6 SHEETS					PROJECT NO. 635682
DESCRIPTION/DATE	BY	APPROVED	DATE	FILMED	
ORIGINAL / 4-29-19	LR				
RESUBMITTAL 6-28-19	LR				
RESUBMITTAL 4-5-19	LR				
					L.2.1

GRADING NOTES

SPOT ELEVATIONS SHOWN ARE EXISTING.

ALL GRADING AND EARTHWORK SHALL BE PERFORMED IN COMPLIANCE WITH LOCAL GRADING CODES AND ORDINANCES.

ALL GRADING WORK SHALL INCORPORATE EROSION AND SILTATION MEASURES IN ACCORDANCE WITH CHAPTER 14, ARTICLE 2, DIVISION 4 (LANDSCAPE REGULATIONS) AND THE STANDARDS ESTABLISHED IN THE LAND DEVELOPMENT MANUAL.

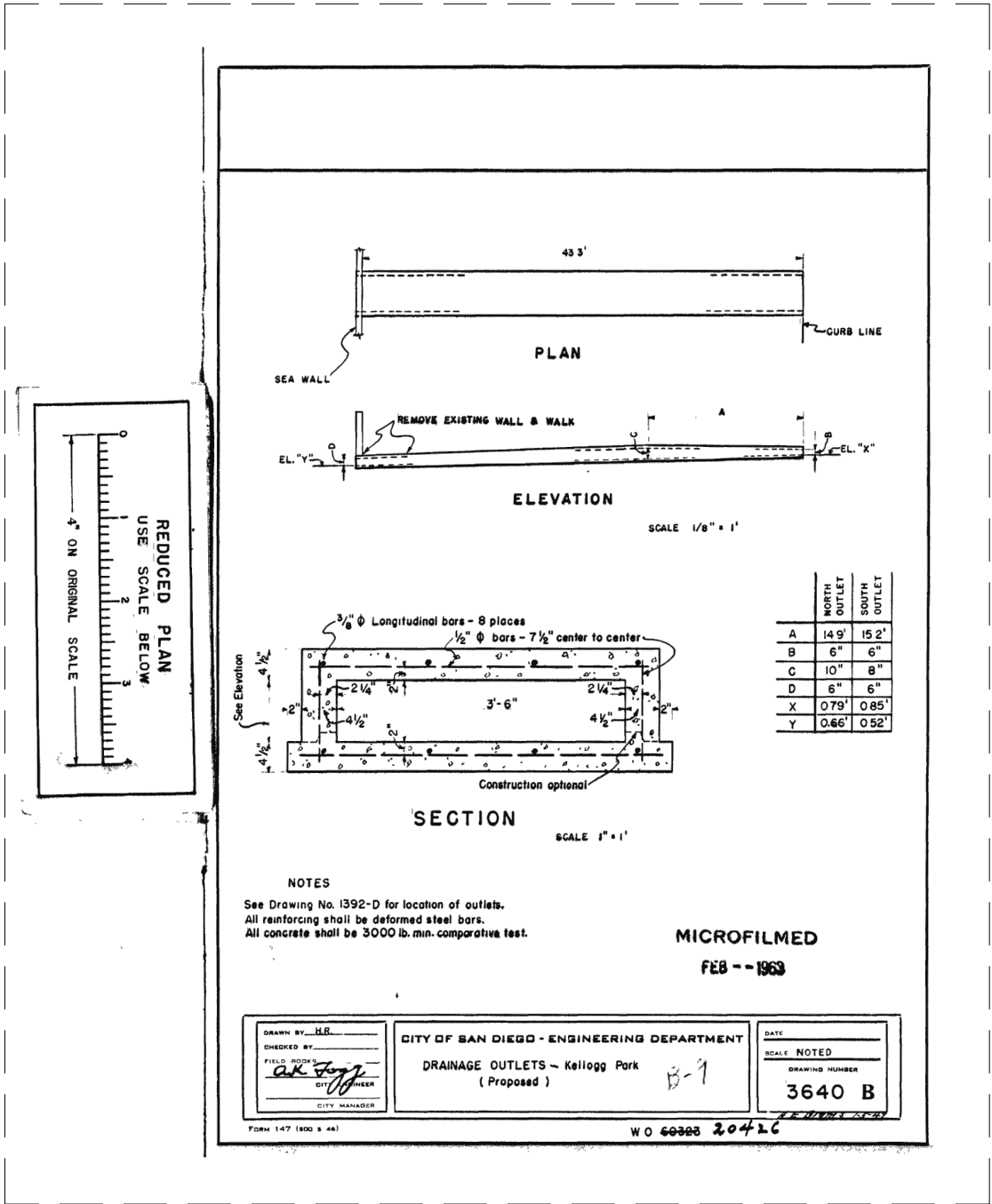
GRADING QUANTITIES

The site has been previously graded as shown on L.1.1 GROUND DISTURBANCE DIAGRAM.

28.72 CY of existing decomposed granite will be removed and replaced by 4" thick Lithomosaic repair (installed over existing 4" thick concrete subslab).

Footings for railings are 8" deep x 9" wide (per Detail sheet L.2.0).
145 LF of railing will be cored into existing 4" thick subslab and 4" thick Lithomosaic
45 LF of railing will be cored into new 4" thick subslab and 4" thick Lithomosaic
90 LF of railing will be cored into 8" deep thickened edge of new concrete walkway

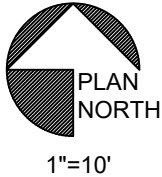
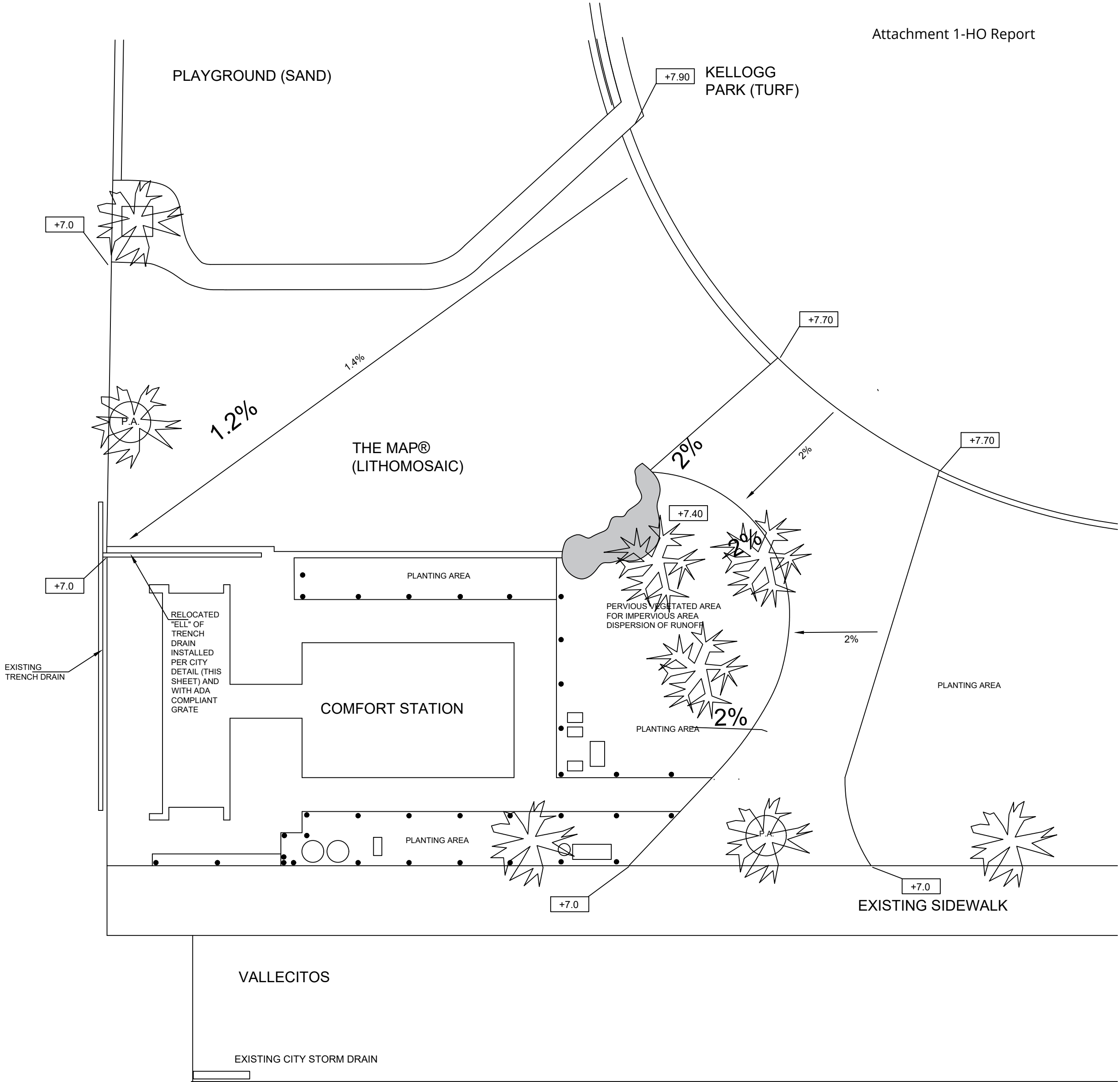
GRADED AREA	0 acres	MAX. CUT DEPTH	8"
CUT QUANTITIES	16.68 CY (topsoil)	MAX. CUT SLOPE RATIO	N/A
FILL QUANTITIES	0 CY	MAX. FILL DEPTH	N/A
IMPORT/EXPORT	16.68 CY (topsoil)	MAX. FILL SLOPE RATIO	N/A



TRENCH DRAIN DETAIL

BEACH

CONCRETE BOARDWALK
(WALTER MUNK WAY)



DONALD G. GOERTZ
Architect C4169

1525 Nautilus Street
La Jolla, CA 92037

858.229.6500
donaldgoertz@gmail.com

GRADING & DRAINAGE PLAN					
THE MAP					
Kellogg Park, La Jolla, CA					
CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 6 OF 6 SHEETS					PROJECT NO. 635682
DESCRIPTION/DATE	BY	APPROVED	DATE	FILMED	
ORIGINAL / 4-29-19	DG				
RESUBMITTAL 6-28-19	LR				
RESUBMITTAL 8-5-19	LR				
					L.3.0

**Development Permit/
Environmental Determination
Appeal Application**

FORM
DS-3031

In order to assure your appeal application is successfully accepted and processed, you must read and understand Information Bulletin 505, "Development Permits/Environmental Determination Appeal Procedure."

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
Upon request, this information is available in alternative formats for persons with disabilities.
DS-3032 (11-17)



THE CITY OF SAN DIEGO

SAN DIEGO HEARING OFFICER

#6

IN OPPOSITION

 Agenda Item Number 6 Date 9/4/19

 SUBJECT THE MAP FENCE

 NAME JOHN LEEK
3090 ADmiral AVE S.D.

Address: Number

Street

City

CA92123-3164 858-616-

State

Zip

Telephone

4724
 REPRESENTING DIVERS

 AVAILABLE FOR QUESTIONS ONLY: ☒

ARE YOU PART OF AN ORGANIZED PRESENTATION?

YES ☐NO ☒
article 55 of Charter

IF YES, LIST SPEAKERS IN ORDER OF PRESENTATION:

Bypass Park + Rec. / Right of Entry
Narrow openings
" " Central Commission

PLEASE READ GUIDE TO SPEAKING AT PUBLIC MEETING ON
 REVERSE SIDE. THE CHAIRPERSON WILL CALL YOU TO THE
 MICROPHONE AT THE APPROPRIATE TIME.

THE MAP

Helene Deisher / Project No. 635682
1222 First Ave., MS 301
San Diego, California 92101-4140

Sept 10, 2019
John Leek
jleek001@sanl.rr.com

Re: Approval of CDP 2326837

My impression is the action taken by the Hearing Officer on 9/4, was to approve modified CDP 2326837 to be treated as a new CDP. The Staff recommendation was to "Approve Coastal Development Permit 2326837" which already was approved years ago (new revised). So the revised CDP must be treated as a new CDP. In Report HO-19-082 you published, the internally attached Draft Resolution; Attachment 6 describes findings and proposed changes and resolves to grant permit 2326837 (again) and showed a copy of it attached. which would be the internal attachment 7, the CDP as granted.

It is found that: **"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."**

and the CDP is for reinstallation of the previous project and fencing and "Will not impede access to the boardwalk or the beach. According to the Community Plan, the proposed fencing around "THE MAP" does not impede physical access or block any designated visual corridors as depicted in the Plan."

Therein, the CDP 2326837 is granted "a copy of which is attached and made a part thereof."

That would have to be Attachment 7. Within that attached CDP, is requirement 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."

Indeed, Attachment 7 starts with "This Coastal Development Permit is granted by Hearing Officer ... that is Granted, not Amended. It must be a new CDP in order to be "granted".

Modified or re-issued or brand new, still the CDP 2326837 now is treated as a pending CDP. And per condition 2 within:

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.

That is, it has been sufficiently altered to be treated as a new CDP and must be submitted to the CCC as such for automatic review for approval.

Or maybe that is a misinterpretation on my part. In the Notice of Public Hearing, you stated

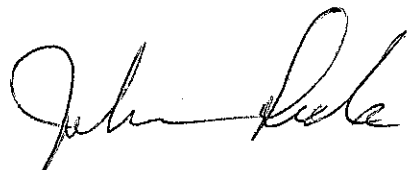
"The decision of the Hearing Officer is final unless appealed to the Planning Commission.". No mention was made of the CCC seeing it afterward, and in fact you stated

"Appeals to the Coastal Commission must be filed with the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108. (Phone: 619-767-2370) Appeals must be filed within 10 business days of the Coastal Commission receiving a Notice of Final Action from the City of San Diego, Development Services Department. " Therefore, the Coastal Commission will NOT have power to review automatically as for a new CDP. Review against the Coastal Act was already done. The CCC gets a courtesy copy for its records.

This letter seems to boil down to a simple question; "Is this to be handled as a new CDP? But feel free to correct any of my premises. After all, if I mis-read anything, others will too.

Thank you for your consideration

John Leek jleek001@san.rr.com



Prior Language**Section 54: Harbor Department***(Amendment voted 03-23-1937; effective 04-14-1937.)**(Amendment voted 04-22-1941; effective 05-08-1941.)**(Amendment voted 06-08-1954; effective 01-10-1955.)**(Amendment voted 06-07-1960; effective 01-09-1961.)**(Amendment voted 06-05-1962; effective 06-29-1962.)**(Repeal voted 09-17-1963; effective 02-11-1964.)*Prior Language**Section 55: Park and Recreation**

The City Manager shall have the control and management of parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of City-owned property, golf courses, playgrounds, recreation centers, recreation camps and recreation activities held on any City playgrounds, parks, beaches and piers, which may be owned, controlled or operated by the City. The City Council shall by ordinance adopt regulations for the proper use and protection of said park property, cemeteries, playgrounds and recreation facilities, and provide penalties for violations thereof. The Manager is charged with the enforcement of such regulations.

All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose. However, real property which has been heretofore or which may hereafter be set aside without the formality of an ordinance or statute dedicating such lands for park, recreation or cemetery purposes may be used for any public purpose deemed necessary by the Council.

Whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways over, through and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation and cemetery purposes.

The City Council may, without a vote of the people, authorize a lease of the property occupied by San Diego High School to the San Diego Unified School District for educational, cultural, recreational, and civic programs and activities, provided that the property is used for a public high school. The property occupied by San Diego High School means the area used by the San Diego Unified School District for San Diego High School as of the date this amendment is effective, and further described in the legal description on file with the City Clerk as Document No. OO-20721.

The City Manager shall also have charge of the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein. At least twenty percent of the net proceeds from the sale of all cemetery lots shall be deposited with the City Treasurer and be kept in a fund to be known as the Cemetery Perpetuity Fund. This fund shall be administered by the Funds Commission and shall be invested in such income-producing securities as the Funds Commission may decide. The principal of the perpetuity fund (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting expenses for maintenance or upkeep of the cemeteries in any manner whatsoever. All income derived from the investment of the moneys in said perpetuity fund, together with the balance of the sale price of said lots not placed in the perpetuity fund, shall be expended in the maintenance and upkeep of the cemeteries and the perpetual care and upkeep of all graves and lots in said cemeteries; provided, however, that if in any one year such income is more than needed for the purpose of such maintenance, upkeep and perpetual care the Council may direct that the excess over and above that needed as above provided may be used for any other municipal purpose. If the income from said investments of said perpetuity fund and the balance of the sale price of said lots each year are not sufficient to maintain the cemeteries and to provide perpetual care and upkeep of all graves and lots in said cemeteries the Council shall annually appropriate from other revenues an amount sufficient to enable the City to provide perpetual care and upkeep of all graves and lots in the cemeteries.

(Amendment voted 04-22-1941; effective 05-08-1941.)

(Amendment voted 03-11-1947; effective 03-24-1947.)

(Amendment voted 04-21-1953; effective 05-29-1953.)

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Amendment voted 11-04-1975; effective 12-01-1975.)

(Amendment voted 11-08-2016; effective 12-19-2016.)

Prior Language

Section 55.1: Mission Bay Park - Restrictions upon Commercial Development

Notwithstanding any other provision of this Charter to the contrary, the total land and water area of all leases in Mission Bay Park shall not exceed twenty-five percent (25%) of the total dedicated land area or six and one-half percent (6.5%) of the total dedicated water area respectively of the park without such lease being authorized or later ratified by vote of 2/3's of the qualified electors of the City voting at an election for such purpose.

(Amendment voted 11-03-1987; effective 12-17-1987.)

Section 55.2: Mission Bay Park and Regional Parks Improvement Funds

- (a) For the purpose of this Section, the following definitions shall apply and the words shall appear in italics:

-
- (1) *Capital Improvement* means physical assets, constructed or purchased, or the restoration of some aspect of a physical or natural asset that will increase its useful life by one year or more or which constitutes an environmental improvement of a natural asset.
 - (2) *Mission Bay Baseline Chart* shall be defined as the Mission Bay dredging plans on file with the City Clerk as Document No. OO-19776. It shall serve as the baseline for depths for navigable waters within Mission Bay. Depths may be increased or decreased for specific areas within Mission Bay only if, after review of these areas by the San Diego Fire Department or the *Mission Bay Park Improvement Fund Oversight Committee*, it is found that either the original depth no longer supports or ensures safe navigation, is inconsistent with the *Mission Bay Park Master Plan*, or needs to be modified in order to create sustainable shorelines. Any changes must be adopted by ordinance of the City Council and shall act as amendments to the original dredging plans.
 - (3) *Mission Bay Park* means the area described in the Mission Bay Park Record of Survey 16891, filed on February 28, 2001, in the Office of the County Recorder as File No. 2001-0113422, and any City-owned property heretofore or hereafter dedicated for park purposes that is contiguous to *Mission Bay Park* and has been determined by ordinance of the City Council to be part of *Mission Bay Park* for purposes of this Charter section 55.2.
 - (4) *Mission Bay Park Improvement Zone* means those areas encompassed within the boundaries of *Mission Bay Park*, Oceanfront Walk from the Mission Bay jetty to Crystal Pier and the adjoining seawall, coastal parks and ocean beaches contiguous thereto, Rose Creek from its terminus in Mission Bay to the southern end of the Santa Fe Road flood control channel, Tecolote Creek from its terminus in Mission Bay to the western end of the Tecolote Creek flood control channel and the San Diego River as it passes through the boundaries of *Mission Bay Park* as described herein. The boundaries of the San Diego River, Rose Creek and Tecolote Creek shall be the width of those waterways to the nearest property line.
 - (5) *Mission Bay Park Improvement Fund* means a separate interest bearing monetary fund maintained by the City of San Diego to receive and spend the *Mission Bay Park Lease Revenues* identified herein for the benefit of the *Mission Bay Park Improvement Zone*.
 - (6) *Mission Bay Park Improvement Fund Oversight Committee* means the committee determined by ordinance of the City Council to carry out the oversight responsibilities described herein.

-
- (7) *Mission Bay Park Lease Revenues* means all revenues collected by the City of San Diego from commercial and non-profit sources within *Mission Bay Park*, including but not limited to all monetary consideration received under leases of city owned property within *Mission Bay Park*, as well as revenue collected from contracts for concessions or any other revenues collected for the use of city owned property within *Mission Bay Park*. The term does not include revenue from the Mission Bay Golf Course, unless privately leased; mooring fees; any revenues from taxes including but not limited to Transient Occupancy Taxes, sales taxes, possessory interest taxes, property taxes; or permit fees such as park and recreation fees or special event fees to the extent those fees are levied to recover actual costs incurred by the City of San Diego.
- (8) *Mission Bay Park Master Plan* means the Master Plan adopted by the City Council for Mission Bay Park in 1994, the Natural Resources Management Plan, and any amendments or updates that are subsequently adopted by the City Council or any such similar replacement plan that may be subsequently adopted by the City Council. For purposes of this Section, the definition shall also include adopted plans for areas located within the *Mission Bay Park Improvement Zone*.
- (9) *San Diego Regional Parks* means those parks that serve regional residents and/or visitor populations as determined by ordinance of the City Council. *San Diego Regional Parks* shall initially include Chollas Lake Park, Balboa Park, Mission Trails Regional Park, Otay River Valley Park, Presidio Park, San Diego River Park, open space parks, and coastal beaches along with coastal parks contiguous thereto. For the purposes of this Section, this definition shall specifically exclude the *Mission Bay Park Improvement Zone*.
- (10) *San Diego Regional Parks Improvement Fund* means a separate interest bearing monetary fund maintained by the City of San Diego to receive and spend the *Mission Bay Park Lease Revenues* identified herein for the benefit of the *San Diego Regional Parks*.
- (11) *San Diego Regional Parks Improvement Fund Oversight Committee* means the committee determined by ordinance of the City Council to carry out the oversight responsibilities described herein.
- (b) Subject to the City of San Diego's State law obligations as a trustee of tidelands within *Mission Bay Park*, *Mission Bay Park Lease Revenues* up to the threshold amount in each fiscal year shall be deposited into the San Diego General Fund and may be used for any municipal purpose, including but not limited to, police,

fire, streets, sewers, water delivery, roads, bridges, and operation of parks. All *Mission Bay Park Lease Revenues* in excess of the threshold amount shall be allocated in the City of San Diego budget to two distinct funds. Thirty-five percent (35%) of the *Mission Bay Park Lease Revenues* in excess of the threshold amount, or three million five hundred thousand dollars (\$3,500,000) whichever is greater, shall be allocated to the *San Diego Regional Parks Improvement Fund* that solely benefits the *San Diego Regional Parks* and sixty-five percent (65%) of the *Mission Bay Park Lease Revenues* over the threshold amount, or the remainder of those revenues if less than 65% is available after the allocation to the *San Diego Regional Parks Improvement Fund*, shall be allocated to the *Mission Bay Park Improvement Fund* that solely benefits the *Mission Bay Park Improvement Zone*. The threshold amount shall be \$23 million beginning fiscal year 2010 and ending fiscal year 2014. The threshold amount shall be \$20 million beginning fiscal year 2015 and shall remain \$20 million thereafter.

- (c) Funds in the *Mission Bay Park Improvement Fund* may be expended only in the *Mission Bay Park Improvement Zone*, to restore wetlands, wildlife habitat, and other environmental assets within the *Mission Bay Park Improvement Zone*; to preserve the beneficial uses of the *Mission Bay Park Improvement Zone* including, but not limited to, water quality, boating, swimming, fishing, and picnicking by maintaining navigable waters and eliminating navigational hazards; to restore embankments and other erosion control features; and to improve the conditions of the *Mission Bay Park Improvement Zone* for the benefit and enjoyment of residents and visitors, consistent with the *Mission Bay Park Master Plan*.
 - (1) To achieve these goals, all of the following identified priorities are intended to be authorized, have a funding plan adopted by City Council, and proceed to completion in the order provided below, subject to section (c)(2) below authorizing projects to proceed concurrently:
 - (A) Restoration of navigable waters within *Mission Bay Park* and elimination of navigational hazards. When depth conditions no longer support and ensure safe navigation, those areas that pose a danger or impede the passage of watercraft shall be dredged in accordance with the *Mission Bay Baseline Chart*.
 - (B) Wetland expansion and water quality improvements and the protection and expansion of eelgrass beds as identified in the *Mission Bay Park Master Plan*.

-
- (C) Restoration of shoreline treatments within the *Mission Bay Park Improvement Zone* including restoration of beach sand and stabilization of erosion control features.
 - (D) Expansion of endangered or threatened species preserves and upland habitats on North Fiesta Island and along the levee of the San Diego River floodway as identified in the *Mission Bay Park Master Plan*.
 - (E) Deferred maintenance projects that are also *Capital Improvements* within the *Mission Bay Park Improvement Zone* as may be recommended by the *Mission Bay Park Improvement Fund Oversight Committee* and approved by the City Council such as, but not limited to, completion of bicycle and pedestrian paths and bridges as identified in the *Mission Bay Park Master Plan*, installation of sustainable lighting in the *Mission Bay Park Improvement Zone*, installation of signage and landscaping at points of entry to *Mission Bay Park* and the South Shores, the repair, resurfacing and restriping of parking lots within the *Mission Bay Park Improvement Zone*, the repair of playgrounds and comfort stations, and the restoration of the seawall and bulkhead on Oceanfront Walk to a condition no less than the quality of restoration previously performed in 1998 from Thomas Street to Pacific Beach Drive or to conditions as may be required by historic standards.
- (2) After a priority project identified in (c)(1)(A-E) above has been authorized and has a funding plan adopted for it by City Council, funds may be committed to and expended on a subsequent project of a lesser priority and construction of a subsequent project may proceed concurrently with a greater priority project provided construction of a lesser priority project does not preclude completion of a greater priority project. The City Council shall be required to make findings that completion of a greater priority project will not be precluded by expending funds on a lesser priority project before approving said expenditure.
 - (3) Once the projects identified in (c)(1)(A-E) have completed, additional projects shall be prioritized and funded only for *Capital Improvements* as identified in the *Mission Bay Park Master Plan*, recommended by the *Mission Bay Park Improvement Fund Oversight Committee*, and approved by the City Council.
 - (4) To the extent items (c)(1)(A-E) require additional funding or are later in need of additional *Capital Improvements*, then those items shall again have

priority over other *Capital Improvements* only if approved by the City Council.

- (5) Except as may be specifically authorized above in this subsection, funds in the *Mission Bay Park Improvement Fund* may not be expended for commercial enterprises or improvements of leasehold interests; for any costs associated with utilities, including, but not limited to, water and sewage; or for roads, vehicle bridges, or vehicular ramps; or on costs that cannot be capitalized; or on daily, weekly, monthly, or annual upkeep of the *Mission Bay Park Improvement Zone* and there shall be no expenditure for contracted labor or services or for city employee salaries, pensions or benefits unless those expenses can be capitalized, and only then at the then-standard rates used by the City of San Diego for all other capital improvement projects.
- (d) Funds in the *San Diego Regional Parks Improvement Fund* may be expended only for non-commercial public *Capital Improvements* for the *San Diego Regional Parks* and only for park uses. Funds in the *San Diego Regional Parks Improvement Fund* may not be expended for commercial enterprises or improvements of leasehold interests; for any costs associated with utilities, including, but not limited to, water and sewage; or for roads, vehicle bridges, or vehicular ramps; or on daily, weekly, monthly, or annual upkeep of the *San Diego Regional Parks*.

Priority for *Capital Improvements* hereunder shall be recommended by the *San Diego Regional Parks Improvement Fund Oversight Committee*, in accordance with the master plans for each of the *San Diego Regional Parks*, and approved by the City Council.

- (e) The *Mission Bay Park Improvement Fund Oversight Committee* and the *San Diego Regional Parks Improvement Fund Oversight Committee* shall meet at least quarterly to audit and review the implementation of this Charter Section, to recommend priorities for expenditures and *Capital Improvements* hereunder in accordance with the master plans for each of the *San Diego Regional Parks* or with the *Mission Bay Park Master Plan* or within the priorities identified in (c)(1)(A-E), as applicable; and to verify that the appropriate funds are collected, segregated, retained and allocated according to the intent of this Section, and spent as prioritized in this Section and consistent herewith. The San Diego City Auditor, in cooperation with each committee, shall establish and oversee a mechanism to ensure public accountability by effectively reporting and communicating the extent and nature of revenues, expenses and improvements generated hereunder and compliance with the requirements outlined herein. This shall include, at a minimum, an annual audit report to the Mayor, City Council and public. Each report shall, at a minimum, contain a

complete accounting of all revenues received, the amount and nature of all expenditures, a report as to whether in each committee's view the expenditures have been consistent with the priorities and provisions hereof, whether the City of San Diego has complied with sections (c), (d), (f), (g) and (h). In the event that either committee finds that there has been a violation of this Charter Section by the City of San Diego, it should set forth the alleged violation in a written communication to the City Manager and members of the San Diego City Council. If the alleged violation is not resolved to the satisfaction of the aggrieved committee within 30 days, the San Diego City Council shall docket an action item for a public meeting of the San Diego City Council within 60 days. If evidence presented to the San Diego City Council by the aggrieved committee establishes a violation of this Section, the San Diego City Council shall forthwith cure the violation including but not limited to the restoration of inappropriately expended funds.

- (f) The City of San Diego shall take all steps necessary to ensure the collection and retention of all *Mission Bay Park Lease Revenues* for purposes described herein and to utilize those revenues only for the purposes described herein and consistent with the priorities and intentions described herein. The City of San Diego may issue bonds, notes or other obligations to expedite the *Capital Improvements* contemplated herein, utilizing the revenue stream from *Mission Bay Park Lease Revenues* designated herein.
- (g) The annual budgets allocated for park operations and maintenance in the *Mission Bay Park Improvement Zone* and the *San Diego Regional Parks* shall not be reduced at a greater rate or increased at a lesser rate relative to the overall annual budget of park and recreation as a result of monies available hereunder.
- (h) The City of San Diego is encouraged to seek other sources of funding for the purposes of improving the *Mission Bay Park Improvement Zone* and the *San Diego Regional Parks*, including but not limited to grant funding from other governmental agencies, private individuals, or foundations. In the event the City of San Diego receives any such additional funds, they shall be in addition to, and shall not offset or reduce funds dedicated to the *Mission Bay Park Improvement Fund* or *San Diego Regional Parks Fund* under this Section.
- (i) Nothing contained herein shall prevent the City of San Diego from spending funds in excess of the *Mission Bay Park Improvement Fund* or *San Diego Regional Parks Fund* for the purposes of improving the *Mission Bay Park Improvement Zone* or the *San Diego Regional Parks*.
- (j) This Section shall take effect and be in force on July 1, 2009, and will expire on June 30, 2069. Before the expiration of this Section, the City Council shall place

on the ballot no later than the last regularly scheduled election prior to June 30, 2069 a measure to amend the Charter to extend the effect of this Section for an additional 30 years.

- (k) In the event of a conflict between any provision of Section 55.2 and any other provision of this Charter or the Municipal Code, Section 55.2 shall govern.

(Addition voted 11-04-2008; effective 12-16-2008.)

(Amendment voted 11-08-2016; effective 12-19-2016.)

[Prior Language](#)

Section 56: Bureau of Safety

(Repeal voted 04-21-1953; effective 05-29-1953.)

[Prior Language](#)

Section 57: Police Department

The Police Department shall consist of a Chief of Police and such other officers, members and employees as the Council may from time to time prescribe by ordinance.

The Chief of Police shall be appointed by the City Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief of Police may be removed by the City Manager at any time in the manner provided for in Section 30 of Article V of this Charter.

The Chief of Police, with the approval of the City Manager, shall appoint, direct and supervise the personnel, subject to Civil Service regulation, have charge of the property and equipment of the department and exercise all powers and duties provided by general laws or by ordinance of the Council. The Chief of Police shall have all power and authority necessary for the operation and control of the Police Department.

(Amendment voted 11-06-1956; effective 01-10-1957.)

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Section 57 is modified by contrary language in section 265(b) effective 01-01-2006.)

[Prior Language](#)

Section 58: Fire Department

The Fire Department shall consist of a Chief of the Fire Department and such other officers, members and employees as the Council may from time to time prescribe by ordinance.

The Chief of the Fire Department shall be appointed by the City Manager and the appointment shall be confirmed by a majority of the Council, provided, however, that the Chief of the Fire Department may be removed by the City Manager at any time in the manner provided for in Section 30 of Article V of this Charter. The Chief of the Fire Department shall have all power and authority necessary for the operation and control of the Fire Department and the protection of the lives and property of the people of the City from fire.

The Chief of the Fire Department, with the approval of the City Manager, shall direct and supervise the personnel. Members of the Fire Department shall be subject to all the Civil Service provisions of this Charter contained in Article VIII. This section shall not become effective until July 1, 1974.

(Amendment voted 11-06-1956; effective 01-10-1957.)

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Amendment voted 11-06-1973; effective 12-07-1973.)

(Section 58 is modified by contrary language in section 265(b) effective 01-01-2006.)

[Prior Language](#)

Section 59: Department of Inspection

(Amendment voted 04-17-1951; effective 05-03-1951.)

(Amendment voted 04-21-1953; effective 05-29-1953.)

(Amendment voted 06-08-1954; effective 01-10-1955.)

(Repeal voted 09-17-1963; effective 02-11-1964.)

[Prior Language](#)

Section 60: Department of Public Health

(Repeal voted 09-17-1963; effective 02-11-1964.)

[Prior Language](#)

Section 60.1: Plumbing Permits and Inspections Regulated by Council

(Addition voted 04-19-1949; effective 05-20-1949.)

(Repeal voted 09-17-1963; effective 02-11-1964.)

[Prior Language](#)

Section 60.2: Authority to Consolidate Department of Public Health with the County of San Diego

(Addition voted 11-04-1952; effective 01-17-1953.)

(Repeal voted 09-17-1963; effective 02-11-1964.)

[Prior Language](#)

Section 61: Social Service Department

(Amendment voted 04-21-1953; effective 05-29-1953.)

(Repeal voted 09-17-1963; effective 02-11-1964.)

[Prior Language](#)

Section 62: Playground and Recreation Department

(Repeal voted 03-11-1947; effective 03-24-1947.)

[Prior Language](#)

Section 63: Library Department

(Repeal voted 09-17-1963; effective 02-11-1964.)

[Prior Language](#)

Section 64: Support of Educational and Cultural Institutions

The Council shall annually make appropriations for the support of all institutions of an educational, scientific, historical and cultural character, and which have a tendency to promote the welfare of the City and its inhabitants, which are now or which may hereafter be controlled by The City of San Diego and partially or wholly operated and maintained by said City for the benefit of its inhabitants.



THE CITY OF SAN DIEGO

DATE OF NOTICE: August 20, 2019

NOTICE OF PUBLIC HEARING

HEARING OFFICER

DATE OF HEARING:	September 4, 2019
TIME OF HEARING:	9:00 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT NO:	635682
PROJECT NAME:	"THE MAP" CDP
PROJECT TYPE:	COASTAL DEVELOPMENT PERMIT, CEQA EXEMPTION-PROCESS THREE
APPLICANT:	WALTER MUNK FOUNDATION FOR THE OCEANS - MARY MUNK
COMMUNITY PLAN AREA:	LA JOLLA
COUNCIL DISTRICT:	1
CITY PROJECT MANAGER:	Helene Deisher, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5223 / HMDeisher@sandiego.gov

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a Coastal Development Permit to allow an open fence/railing around "The Map" which is a litho-mosaic map of the Grand Canyons of La Jolla and learning exhibit on the ground between the playground and the Kellogg Park Comfort Station near 2100 Vallecitos. The project will also improve the sidewalks leading from the public right-of-way on Vallecitos to the Map. The project area is approximately 3,052 square feet. The site is located within the OP-1-1 Zone, the Coastal Overlay Zone (Appealable area), and within the first public roadway. The site is already developed.

This development is within the Coastal Overlay zone and the application was filed on April 30, 2019.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101. The appeal must be made no later than 10 business days after the date of the Hearing Officer's decision.

The decision made by the Planning Commission is the final decision by the City.

This project was determined to be categorically exempt from the California Environmental Quality Act on August 7, 2019 and the opportunity to appeal that determination will end August 21, 2019.

Appeals to the Coastal Commission must be filed with the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108. (Phone: 619-767-2370) Appeals must be filed within 10 business days of the Coastal Commission receiving a Notice of Final Action from the City of San Diego, Development Services Department. Please do not e-mail appeals as they will not be accepted. If you want to receive a Notice of Final Action, you must submit a written request to the City Project Manager listed above.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at (619) 321-3208 at least five business days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.

Internal Order No: 24008257



Development Services Department

Helene Deisher / Project No. 635682
1222 First Ave., MS 301
San Diego, California 92101-4140

RETURN SERVICE REQUESTED

PLANNING COMMISSION RESOLUTION NO. XXX
COASTAL DEVELOPMENT PERMIT NO. 2326837
THE MAP - PROJECT NO. 635682

WHEREAS, the Walter Munk Foundation for the Oceans, a California nonprofit public benefit Corporation and Mary Munk (Executive Vice President), Permittee, filed an application with the City of San Diego for a permit to construct an open fence and railing surrounding "THE MAP", a litho-mosaic map of the Grand sub-sea Canyons of La Jolla and learning exhibit, to be installed on the ground between the playground and the Kellogg Park Comfort Station. The project will also improve the sidewalks leading from the public right-of-way on Vallecitos to "THE MAP" (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2326837), on portions of Kellogg Park "South Area" a 3.18-acre park;

WHEREAS, the project site is located near 2100 Vallecitos in the Open Space-Park (OP-1-1) Zone, the Coastal Overlay (Appealable area), the Coastal Height Limitation Overlay Zone, and the First Public Roadway, and Transit Priority Area of the La Jolla Community Planning and Local Coastal Program area;

WHEREAS, the project site is legally described as: 002107 Block 31, lots 1-11 Street and Alley Closed & lots 1-10 block 26 Map 1964 & In the City of San Diego;

WHEREAS, on August 7, 2019 the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15311, which allows for the construction, or placement of minor structures accessory to existing commercial, industrial, or institutional facilities and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on September 4, 2019, the Hearing Officer of the City of San Diego approved Coastal Development Permit No. 2326837 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, On September 12, 2019, an appeal of the Hearing Officer's decision to approve the Coastal Development Permit 2326837 was filed;

WHEREAS on November 7, 2019, the Planning Commission of the City of San Diego considered an appeal of the Hearing Officer's September 4, 2019, decision to approve the Coastal Development Permit No. 2326837 pursuant to the Land Development Code of the City of San Diego;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 2326837:

Coastal Development Permit - Section 126.0708 (a)

1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The proposed project would reinstall a 2,342-square-foot litho-mosaic educational tool known as "THE MAP" which contains an educational depiction of the "Grand Canyons of La Jolla" and learning exhibits, to be installed on the ground within Kellogg Park between the playground and the Comfort Station near 2100 Vallecitos. The project will include open fencing around "THE MAP" to protect the learning exhibit and viewers. Public improvements include 710 square feet of new, and reconstructed sidewalks leading from the Vallecitos public right-of-way around the comfort station to "The Map." The site is located immediately next to the Pacific Ocean along the east side of Walter Munk Way boardwalk, in the Open Space-Park (OP-1-1) Zone, the Coastal Overlay Zone (Appealable area), the First Public Roadway, and Transit Priority Area within the La Jolla Community Plan and Local Coastal Program (Community Plan) area.

"THE MAP" is a learning exhibit (at-grade) designed to both enhance the park area and educate visitors to the topography and various ocean creatures found in the Grand Canyons of La Jolla. The proposed fence and railing around "THE MAP" will be thirty-six inches tall with round bronze posts and bronze wire cables providing maximum visibility through the fence. The fence is capped with a teak railing. Therefore, the proposed development will enhance and protect public views to and along the ocean.

"THE MAP" adjacent to the boardwalk is thirty-four feet wide, and twenty-nine feet wide adjacent to the turf or park side. Public access is provided in three specific ways: (1) through "THE MAP" on the northwest corner where a six-foot four-inch opening is provided to the boardwalk; (2) access is also provided on the southeast edge portion of "THE MAP" which is split into two sections: one six-foot eight-inch-wide opening, a vegetated area, and another six-foot two-inch-wide opening; and (3) paved passages are provided on either side of "THE MAP": on the comfort station side to the south and next to the playground to the north of "THE MAP". The fencing will not impede access to the boardwalk or the beach. According to the Community Plan, the proposed fencing around "THE MAP" does not impede physical access or block any designated visual corridors as depicted in the Plan.

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 the La Jolla 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. All work is being conducted in previously developed or disturbed areas within the existing Kellogg Park. A review of the resource maps, aerial maps, and street level photography show that the project site does not contain any sensitive biological resources. The site is also not within any other areas defined under the environmentally sensitive lands regulations. Since there are no environmental resources present at this location, the proposed 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. The site is located in Kellogg Park within the Open Space-Park (OP-1-1) Zone, the Coastal Overlay Zone (Appealable area), the First Public Roadway, and Transit Priority Area of the Community Plan. The Community Plan designates the site as "Open/park. The proposed project is consistent with the land use designation as the "THE MAP" is a public amenity added to the site.

One of the goals of the Coastal Act is to protect and expand both visual and physical access to the shoreline. "THE MAP" is an educational amenity depicting the underwater world of the adjacent Pacific Ocean canyon system topography, flora, and fauna. The associated improvements will maintain and enhance the existing park land, as well as provide recreational and learning opportunities consistent with the Coastal Act and General Plan standards. Multiple access points are provided through and around "THE MAP". The fencing around "THE MAP" will not change the access points to the comfort station and to the playground. Further, the fencing will not impede access to the boardwalk or the beach. The design of the open fencing allows visibility from the park to the ocean.

Therefore, the 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 site is within Kellogg Park within the First Public Roadway and the Pacific Ocean. The boardwalk to the west of the site provides north south access between Kellogg Park and the ocean, consistent with the public access policies of Chapter 3 of the California Coastal Act. "THE MAP" measures thirty-four feet in length along the boardwalk and twenty-nine feet adjacent to the turf or park side. "THE MAP" provides an additional public recreation opportunity which supports the public recreation policies of the Coastal Act. Public access to the Pacific Ocean is provided through and around "The Map," to enhance public access to the ocean.

The shoreline along Kellogg Park provides recreational opportunities and scenic vistas as indicated in the Community Plan. The project enhances the shoreline experience with "THE MAP", provides safe public access around and through the area, and provides public recreational and learning opportunities. Therefore, the proposed development is in compliance with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

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 Planning Commission, Coastal Development Permit No. 2326837 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2326837, a copy of which is attached hereto and made a part hereof.

Helene Deisher
Development Project Manager
Development Services

Adopted on: November 7, 2019

IO#: 24008257

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24008257

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2326837

THE MAP PROJECT NO. 635682

Planning Commission

This Coastal Development Permit is granted by the Planning Commission of the City of San Diego to City of San Diego Parks and Recreation, Owner, and Walter Munk Foundation for the Oceans, a California nonprofit public benefit Corporation and Mary Munk (Executive Vice President), Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The site is located within the OP-1-1 Zone, the Coastal Overlay Zone (Appealable area), and within the first public roadway within the La Jolla Community Plan area. The project site is legally described as: 002107 Block 31, Lots 1-11 Street and Alley Closed & Lots 1-10 Block 26 Map 1964 & In.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to allow an open fence with a railing around "THE MAP," a litho-mosaic map of the Grand Canyons of La Jolla and learning exhibit on the ground between the playground and the Kellogg Park Comfort Station near 2100 Vallecitos. The project includes improves the sidewalks leading from the public right-of-way on Vallecitos to "THE MAP," and the park. The project area is approximately 3,052 square feet as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 4, 2019, on file in the Development Services Department.

The project shall include:

- a. A three-foot open railing around a litho-mosaic map, demolition of concrete, and sidewalk improvements; and
- b. 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 18, 2022
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 Permittee shall secure all necessary building permits. The 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" condition(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.

11. The 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 Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the 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, 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 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 Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Permittee.

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 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 Planning Commission of the City of San Diego on November 7, 2019 and Resolution No. XXX.

Coastal Development Permit Approval No. 2326837

Date of Approval: November 7, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Helene Deisher
Development Project Manager

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

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

City of San Diego Parks and Recreation
Owner

By _____
Andy Field
Director, Interim, Parks & Recreation

Walter Munk Foundation for the Oceans
Permittee

By _____
Mary Munk
Executive Vice President,
Board Vice Chair, Director

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

*See Committee minutes and/or agenda for description of projects, deliberations, and vote.
Anyone may request a consent item be pulled for full discussion by the LJCPA.*

Motion: Approve consent agenda (Jackson/Gordon) Vote: 14-0-1, Motion Carries!

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Jackson, Kane, Little, Mangano, Manno, Neil, Rasmussen, Shannon, Weissman

Opposed: 0

Abstain: Crisafi (chair)

Comment: Item 10.2 Triathlon Event is on October 20, not 29.

The following agenda items are ACTION ITEMS unless otherwise noted and may be *de novo* considerations. Prior actions by committees/boards are listed for information only.

Courtney arrives; reflected in vote count

11.0 – 11.6 LJCPA Review and Action Matter

11.0 Letter from President to support the maintenance & repair of Kellogg Park Marine Reserve Map and access ways, and to advise DSD that this action meets Coastal Permit Exemption guidelines. On-site work to be activated after summer moratorium. Information attached.

Map is on view at old NOAA building. Development Services is trying to find a way to permit this as repair and maintenance; applicant has been working with coastal staff and commission to see that it meets all policy and code requirements. Fabricated off site and ready to move to site. High quality piece, full mosaic, 2300 Sq. Ft.

Charles White: He disagrees with following statements in the attached letter dated June 15, to Helene Deisher:

- o The Kellogg Park replacement map and access ways adjacent to the Vallecitos comfort station qualifies as a repair and maintenance project.
- o Replacement meets, matches or exceeds access.
- o Described background on original map.
- o 2015 original map completely removed and replaced with decomposed granite.
- o This map is completely new map which has a fence.
- o As of June 2019, drawings and representations submitted by Mary to the Coastal Commission were denied. She does not have CC approval.

Edie Munk:

- o Mary's fundraising efforts have been for a new map, not repair and maintenance.
- o There is no map to repair.
- o There are no plans or drawings to review.
- o Why is this new project not falling under policies and procedures of the City?

Tom Grunow: Power Point presentation describing the Map

- o Beautiful gift for community.
- o Approved system used in several communities.
- o Existing path from Vallecitos being widened.
- o City will decide if coastal access is unnecessarily restricted
- o Fence made of bronze very low profile.
- o Creates great educational opportunities.

Mary Munk:

- o Bottom layer of original map remains.
- o Map placed in same place
- o Installation of old map was bad job. Some issues remain.

Crisafi: Are you opposed to the map or the process? Reply: We're concerned about public access. Coastal Commission objected because of no pass through.

Nan Renner: Birch Aquarium. Map is useful education and for field programs.

Little: Can't support putting a fence around it. Mary described fence, pathways and access points.

Gordon: Is footprint same as old map? Mary: Footprint is same as what they gave us permission to do for old map. Gordon: original approval CDP/SDP? Mary: No, only Park & Rec approval.

Gordon: This is analogous to replacing a house burned down with another house covering the same footprint; a full CDP/SDP process would not be required. Mistake with first map not durable; logical to add fence. Disagrees that it blocks access to beach.

Costello: Will new map be more durable. Grunow: new type of installation, new material, very durable.

Neil: Any change to playground materials. Reply: No.

Motion: Approve letter as is. (Gordon/Kane) Vote: 11-4-1: Motion Carries

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Kane, Little, Mangano, Manno, Shannon, Weissman

Opposed: Courtney, Jackson, Little, Rasmussen

Abstain: Crisafi (chair)

11.1 Micro mobility parking corrals for La Jolla. City proposal for placement of numerous defined spaces within the public street for the parking of dockless scooters and bicycles. Mauricio Medina and city staff. T&T June 19 minutes with response attached.

Presentation by Mauricio Medina: A packet handed out and power point presented. He is here to facilitate community feedback on locations city staff and traffic engineers have put together for corrals to park dockless scooters. The Corrals are painted blocks on asphalt on city streets adjacent to red zones ranging from 10 x 6 ft. to 20 x 6ft. where operators will be required to stage the devices. Picture shown on screen. If no corral the 4 x 40 rule (4 devices together 40 ft apart) will be in effect. The goal is to get the devices off the sidewalks.

- o The first spread sheet in the packet is the master list staff sent to the council office as proposed locations for corrals in La Jolla village – around 150.
- o The spots were compiled from data provided by companies on hotspots where companies were staging and where there were large amounts of drop offs. The data was compared with corresponding red zones around it to put the locations on the map where they would not block fire hydrants or parking.
- o City staff has asked for input from all LJ community planning groups.
- o Since there was no desire for corrals in residential areas they have been removed from the list - highlighted in yellow.
- o Orange highlights show sites lifeguards wanted removed.
- o The next spreadsheet shows remaining sites. From this list T & T board members made a list of 71 sites plus 10 more indicated by an asterisk.
- o The Mayors office sent a letter to shared mobility device companies saying the City will pull your permit if you fail to comply with these regulations even before the 6 months are up and will take noncompliance into consideration for permit renewal.


Public Comment:

Miller: Who is in charge of enforcement and how will it work: Reply: Get it Done app will be used to report infractions. Miller: Our tax money is providing private companies solutions to solve their problems. Reply: City's website describes fully the permitting fees assessed per device and \$4,000 to get permit.

Weiss: Rental car companies go after the driver to recover penalties for violation of parking laws incurred by the driver. Why doesn't this apply to scooter rental companies. They have information of driver from credit cards used. These scooters are not good for the environment as the city says. They are a substitute for walking. Walking is good; scooters are dangerous. Get it done app is inappropriate for reporting a scooter. It asks for a license number. If it is reported as a sidewalk violation the report to owner of the scooter and the owners do nothing. He gave examples. I ask the CPA to vote to oppose all corrals until there is a mechanism to enforce penalties for leaving scooters anywhere. More money is needed and the money should come from the people who are making money off the devices. *(audience applause)* Reply: the action is whether to approve locations. Scooters are here.

Caroline Meade: There are other needs requiring striping on streets. This will add another striping effort on the street causing confusion. Soon there will be street vending on the sidewalks. The city needs to be aware of many different entities impacting the city streets causing havoc. Is there a comprehensive plan for these impacts. Reply: The corrals are mutually exclusive.

More comments followed opposing the corrals and scooters.

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="margin: 0;">Ownership Disclosure Statement</h1>	FORM DS-318 October 2017
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Approval Type: Check appropriate box for type of approval(s) requested: ☐ Neighborhood Use Permit ☒ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit ☐ Variance
☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title: The MAP **Project No. For City Use Only:** 635682
Project Address: 2100 Vallecitos, La Jolla, CA 92037

Specify Form of Ownership/Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General - What State? _____ Corporate Identification No. _____
☐ Partnership ☐ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: City of San Diego, Parks and Recreation Dept ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 202 C Street, MS 39
 City: San Diego, State: CA Zip: 92101
 Phone No.: 619-235-1110 Fax No.: _____ Email: AField@sanidiego.gov
 Signature: Andrew Field Date: 5/1/19
 Additional pages Attached: ☐ Yes ☒ No

Applicant

Name of Individual: WALTER MUNK FOUNDATION FOR THE OCEANS/MARY MUNK ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 9530 La Jolla Shores Drive
 City: La Jolla State: CA Zip: 92037
 Phone No.: (619) 840-0250 Fax No.: _____ Email: mary@waltermunkfoundation.org
 Signature: Mary Munk Date: April 26, 2019
 Additional pages Attached: ☐ Yes ☒ No

Other Financially Interested Persons

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: _____
 City: _____ State: _____ Zip: _____
 Phone No.: _____ Fax No.: _____ Email: _____
 Signature: _____ Date: _____
 Additional pages Attached: ☒ Yes ☐ No

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
 Upon request, this information is available in alternative formats for persons with disabilities.

Ownership Disclosure -Board Members to the Walter Munk foundation for the Oceans

<u>Name</u>	<u>Address</u>
Mary Munk	La Jolla, CA 92037
Julie Scarpella	La Jolla, CA 92037
Paula Selby	La Mesa, CA 91941
George Orbelian	San Francisco, CA 94121
Damien Leloup	La Jolla, CA 92037