CALIFORNIA COASTAL COMMISSION
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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

.

Application No.: 6-05-17

Applicant: City of San Diego Agent: Jihad Sleiman

Description: Demolition of an existing three-story, 30 ft. high, 897 sq.ft. lifeguard station and construction of a new three-story, 30 ft. high, 3,125 sq.ft. lifeguard station including a buried semi-circular sheet-pile bulkhead seawall located 30 feet seaward of the proposed lifeguard structure. Also proposed is an architectural concrete cap on top of the bulkhead wall a maximum of approximately 3 ft. high.

Site: 700 North Jetty Road, Mission Beach, San Diego, San Diego County. APN 423-750-01

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the project, with special conditions. The applicant has demonstrated that the proposed replacement lifeguard station is necessary at the proposed location and that its size and seaward extent has been minimized to reduce its impact on public views and public access, but still meet the needs of the lifeguard service. The new lifeguard station will be located 80 feet north and 12 feet east of the existing facility, but because the structure is larger, will result in almost a 2,000 sq.ft. of additional beach coverage. However, the larger structure will accommodate a first aid station and related safety facilities that will provide improved public services. The proposed buried sheet-pile bulkhead seawall will provide reasonable and necessary protection for the proposed replacement lifeguard station while minimizing impacts to public access and shoreline processes. Special conditions prohibit the addition of any future shoreline protection.

The structure has been sized and located appropriately to minimize encroachment on the beach and adverse impacts to public access and recreation. Other conditions prohibit the placement of advertising on the structure, restrict the color and appearance of the buildings, require pre- and post-construction water quality BMPs, address construction access and timing, and require State Lands Commission review.

Standard of Review: Chapter 3 polices of the Coastal Act.

Substantive File Documents: Certified Mission Beach Precise Plan; Certified Mission Beach Planned District Ordinance; Geotechnical Investigation by TerraCosta Consulting Group, Inc. Dated 2/16/05; Updates to Geotechnical Report by TerraCosta Consulting Group, Inc. dated 3/31/05, 5/10/06 and 1/21/07; Letters from Dominy + Associates Architects 2/17/05 and 4/4/05; CCC CDP #F8974; City of San Diego Site Development Permit No. 197971 approved 9/27/06.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 6-05-17 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for

review and written approval final site plans for the proposed lifeguard station. The final plans shall be in substantial conformance with the plans by Dominy + Associates Architects dated 4/6/06, but shall be revised to include the following notes:

a) No advertising shall be permitted on the approved structures;

b) Clocks, temperature displays, or other safety information may be located on the façade of the approved structures.

c) Any fill material used during construction shall be clean, beach compatible material with no rubble, organics, or other debris.

d) During construction of the approved development, disturbance to sand and intertidal areas shall be minimized to the maximum extent feasible. All excavated beach sand shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for backfill or for any other purpose as construction material.

e) The landscaping proposed along the perimeter of the new lifeguard station shall be deleted.

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

2. As-Built Plans. Within 60 days following completion of the project, the permittees shall submit as-built plans approved by the City of San Diego Beach to be reviewed and approved in writing by the Executive Director documenting that the lifeguard station and seawall have been constructed consistent with the Executive Director approved construction plans

3. Storage and Staging Areas/Access Corridors. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final plans indicating the location of access corridors to the construction site and staging areas. The final plans shall indicate that:

a) No overnight storage of equipment or materials shall occur on sandy beach or public parking spaces.

b) Access corridors shall be located in a manner that has the least impact on public access to and along the shoreline via Mission Boulevard, Ocean Front Walk and the public parking lot south of the project site.

c) No work shall occur on the beach between Memorial Day weekend and Labor Day of any year.

d) The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents. The staging site shall be removed and/or restored immediately following completion of the development.

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

4. Protection of Water Quality - During Construction. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director a Construction Best Management Practices Plan for the project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts to receiving waters associated with construction. The applicant shall implement the approved Construction Best Management Practices Plan on the project site prior to and concurrent with the project staging, demolition and construction operations. The BMPs shall be maintained throughout the development process.

A. Said plan shall include the following requirements:

(i) No construction materials, debris, or waste shall be placed or stored in a manner where it may be subject to wave, wind, rain, or tidal erosion and dispersion.

(ii) Any and all refuse and debris resulting from construction and demolition activities shall be removed from the project site within 72 hours of completion of demolition and construction. Construction and demolition debris and sediment shall be removed from or contained and secured within work areas each day that construction or demolition occurs to prevent the accumulation of sediment and other debris that could be discharged into coastal waters. All demolition/ construction debris and other waste materials removed from the project site shall be disposed of or recycled in compliance with all local, state and federal regulations. No debris or other waste materials shall be placed in coastal waters or be allowed to move into coastal waters. If a disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

(iv) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction and demolition activities. BMPs shall include, but are not limited to:

placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and Pacific Ocean

(v) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and kept as far away from a storm drain inlet and receiving waters as possible.

B. The required Construction Best Management Practices Plan for the project site shall also include the following BMPs designed to prevent spillage and/or runoff of construction and demolition-related materials, sediment, or contaminants associated with construction activity. The applicant shall:

(i) Develop and implement spill prevention and control measures and ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The fueling and maintenance area shall be located as far away from the receiving waters and storm drain inlets as possible and shall not be located on the beach if at all possible. If fueling or maintenance is proposed to be on the beach then the applicant shall submit a plan showing how there is essentially no possibility of contaminating beach materials through those operations.

(ii) Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters, and more than fifty feet away from a storm drain, open ditch or surface waters.

(iii) Provide and maintain adequate disposal facilities for solid waste, including excess concrete, produced during construction.

(iv) Provide and maintain temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence or hay bales, and silt fencing.

(v) Stabilize any stockpiled fill with geofabric covers or other appropriate cover, and close and stabilize open trenches as soon as possible.

(vi) Prior to final inspection of the proposed project the applicant shall ensure that no gasoline, lubricant, or other petroleum-based product was deposited on the beach or at any beach facility. If such residues are discovered, the residues and all contaminated sand shall be reported to the Executive Director in order to determine if the removal and disposal of the contaminated matter shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

The Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition shall be attached to all final construction plans. The permittee shall undertake the approved development in accordance with the Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition. Any proposed changes to the approved Construction Best Management Practices Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Protection of Water Quality - Project Design & Post Construction. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site. The plan shall be in conformance with the following requirements:

A. Water Quality Goals.

(i) Appropriate site design, source control and treatment control BMPs shall be implemented to minimize the amount of polluted runoff from all surfaces and activities on the development site.

(ii) Runoff from all parking areas, maintenance areas, rooftops, and driveways shall be collected and directed through a system of appropriate structural structural BMPs. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. There shall be no construction of drain outlets onto the beach. The drainage system shall also be designed to convey and discharge runoff from the building site in a non-erosive manner.

(iii) If the applicant uses post-construction structural BMPs (or suites of BMPs), they should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

B. Monitoring and Maintenance

All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired, at the following minimum frequencies: 1) prior to October 15th

each year; 2) during each month between October 15th and April 15th of each year and, 3) at least twice during the dry season (between April 16 and October 14).

(i) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.

(ii) All inspection, maintenance and clean-out activities shall be documented in an **annual report** submitted to the Executive Director no later than June 30th of each year. This report shall be submitted for the first three years following the completion of development.

(iii) It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification.

The permittee shall undertake and maintain the approved development in accordance with the Water Quality Management Plan approved by the Executive Director pursuant to this condition. Any proposed changes to the approved Water Quality Management Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. Exterior Treatment. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit for the review and approval in writing of the Executive Director, a final color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed lifeguard station, in substantial conformance with the plans by Dominy + Associates Architects dated 4/6/06. The color of the structures and roofs permitted hereby shall be restricted to colors compatible with the surrounding environment with no bright tones except as minor accents. All windows shall be comprised of non-glare glass.

The permittee shall undertake the development in accordance with the color board. Any proposed changes to the approved color board shall be reported to the Executive Director. No changes to the color board that result in either building taking on a substantially different appearance inconsistent with the surrounding environment shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. Removal of Riprap. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director a plan for removal of the rip rap from the beach fronting the existing lifeguard station proposed to be demolished. The removal plan shall provide:

a. All visible and extractable rip rap seaward of the existing lifeguard station proposed to be demolished shall be removed from the beach. The rock

shall be removed within the identified work area (Site Plan from TerraCosta Consulting Group/Figure 1).

b. After the initial removal effort that is part of construction, future maintenance efforts shall include removal of any additional riprap (excluding approved toestone) from the portions of the dry beach seaward of the existing lifeguard station that may become visible in the future.

c. A schedule for removal, with the first extraction to occur within 1 year of issuance of the Coastal Development Permit;

d. Criteria for removal, such as all visible rock, all rock within 3 feet of the surface of the sand layer;

e. Method of removal;

f. Location of the export site. If the export site is within the coastal zone, a separate Coastal Development Permit or permit amendment may be required from the California Coastal Commission or its successors in interest;

g. General plans for the disposal of additional riprap that may become visible in subsequent years.

h. Removal of riprap shall not occur between Memorial Day weekend and Labor Day of any year.

8. State Lands Commission Review. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall obtain a copy of written authorization to construct the proposed development from the State Lands Commission.

9. No Future Seaward Extension of Shoreline Protective Device.

A. By acceptance of this Permit, the applicant agrees, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device for the lifeguard tower approved pursuant to Coastal Development Permit No. 6-04-140, as described and depicted on an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit, shall be undertaken if such activity extends the footprint seaward of the subject shoreline protective device. By acceptance of this Permit, the applicant waives, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235.

B. PRIOR **TO THE ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the shoreline protective device approved by this permit, as generally described above and shown on Exhibit #5 attached to this staff report, showing the footprint of the device and the elevation of the device referenced to NGVD (National Geodetic Vertical Datum).

10. Assumption of Risk, Waiver of Liability and Indemnity Agreement

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

B. **PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant proposes the demolition of an existing three-story, 30 ft. high, 897 sq.ft. wooden lifeguard station and construction of a new three-story, 30 ft. high, 3,125 sq.ft. sq.ft. lifeguard station on the public beach in South Mission Beach. The main level of the new lifeguard station will have a total of 2,436 sq.ft. consisting of a fully accessible reception and general information area, a first aid room, locker room, and a ground-level enclosed garage/storage area for lifeguard vehicles, rescue craft and equipment and restrooms. The second level will have 435 sq.ft. and consist of a ready room, restrooms and watch room. The third level will have a total of 254 sq.ft. and consist of the observation tower. The new lifeguard station will be situated in the general vicinity of the existing lifeguard station but it will be sited 80 feet further north and 12 feet further east (inland). No portion of the lifeguard station will extend further west than the existing lifeguard station. In addition, in order to preserve public views from the west along Ocean Front Walk (the public boardwalk) for both residents and members of the public who heavily use this recreational resource, the City designed it such that its greatest length extends from west to east. The existing lifeguard station will be demolished after the existing lifeguard station construction is completed. In addition, revetment rock that was placed around the existing lifeguard station during the 1982/1983 El Nino storms shall be removed at the time the existing lifeguard station is removed. The rock that is visible or within easy excavation depth should be cleared off the beach. Any buried rock should be removed over time as it becomes exposed.

Also proposed is a buried semi-circular sheet-pile bulkhead around the seaward portion of the lifeguard tower located a minimum of 30 feet seaward of the lifeguard structure. The buried sheet-pile bulkhead also proposes to incorporate an architectural concrete cap for those infrequent periods when the buried bulkhead is exposed to maintain its architectural appearance and to minimize the potential for any injury to the public that could otherwise result from an exposed steel sheet-pile bulkhead. The architectural concrete cap will vary in height between 1 ½ feet to 3 ft. high depending on the seasonal sand elevations and will resemble the structures along the Ocean Front Walk public boardwalk (ref. Exhibit No. 8). In addition, along the perimeter of the facility, mats of durable concrete erosion control block are proposed just below the sand elevation. These mats will protect the building and help reduce potential erosion and they will also facilitate lifeguard vehicle movement along the sand. A small concrete patio is proposed on the north side of the lifeguard tower near the entrance/reception area of the lifeguard station. An erosion control mat will be located on the north side of the lifeguard tower to facilitate access to the proposed parking garage. In addition, a 6-foot wide concrete sidewalk is proposed to provide pedestrian access to the lifeguard structure from a large public parking lot to the south. An existing concrete walk that provides access to the existing lifeguard structure from that same parking lot will be demolished along with the existing lifeguard station.

The proposed lifeguard tower as noted above will be located on a wide sandy beach about 600 feet west of the public boardwalk (Ocean Front Walk). The site is located in South Mission Beach seaward of where Ocean Front Walk begins to curve in a southwesterly direction away from the row of residential development that borders the oceanfront.

Immediately west of the boardwalk in this area is a very wide sandy beach and several volleyball courts that are frequently used by the public. Further west is a basketball court (for a frame of reference, the existing lifeguard station proposed to be demolished is located approximately 240 feet west of the basketball courts). (Ref. Exhibit No. 3). West of the basketball court is a large grassy picnic area with picnic tables and barbecues. To the south is a large 250-space public parking lot. At the very northwest corner of the parking lot is a comfort station which is proposed to remain. South of the parking lot is a jetty that borders along the north entrance channel to Mission Bay Park. This marks the southern boundary of Mission Beach which is inaccessible any further south other than by boat. Across the channel to the south is the Ocean Beach community.

The existing lifeguard structure is 27 years old and was approved pursuant to CDP #F8974 in 1980 to replace a former lifeguard station (that according to the City was built in 1974 as a "temporary facility") that was damaged by waves and tidal action in the 1980 winter storms. A new tower was then approved and constructed pursuant to CDP # F8974.The existing lifeguard station was constructed 500 feet south of the former lifeguard station that was damaged. The existing lifeguard structure was also damaged in the 1982-1983 El Nino storm. It was during this time that rip rap was placed seaward of the lifeguard station as an emergency protective measure. Although the lifeguard structure functioned adequately for a number of years it no longer adequately serves the needs of the City's lifeguards and the beach-going public. The City's program for the new lifeguard tower requires inside parking for two vehicles, one boat and a personal watercraft, along with a variety of other new program requirements. The footprint of the existing lifeguard station is approximately 400 sq.ft. and the footprint of the proposed lifeguard station is approximately 2,400 sq.ft. resulting in 2,000 sq.ft. of additional beach coverage.

The lifeguards have also built up a sand berm seaward of the existing tower during the winter months to protect the tower from wave activity. There is currently no seawall associated with the existing lifeguard tower. However, there is buried riprap that needs to be removed. The new lifeguard station will not have any public restrooms (other than for members of the public who are injured and are being treated at the lifeguard facility). An existing comfort station south of the existing lifeguard station and adjacent to the public parking lot next to the jetty is proposed to remain. The City also proposes to re-stripe four parking spaces in the public parking lot south of the lifeguard station. Presently, four existing handicapped spaces are located on the far south part of the parking lot and not closest to the sidewalk and comfort station near the north side of the parking lot where they would be most accessible for the handicapped. The City proposes to re-stripe the spaces in the northwest corner of the lot for handicapped use only and re-stripe the existing handicapped spaces for general use. The number of parking spaces is proposed to remain the same. However, this latter improvement does not require a permit and is described here for informational purposes only.

The proposed lifeguard station development is on the public beach in a location where the Commission retains original permit jurisdiction. Therefore, Chapter 3 of the Coastal Act is the standard of review, with the City's certified LCP used as guidance.

2. Seawall/Shoreline Protective Devices/Hazards. Sections 30235 and 30253 of the Coastal Act are applicable to the subject project and state the following, in part:

Section 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Section 30253

New development shall:

(l) Minimize risks to life and property in areas of high geologic, flood, and fire hazard;…

In addition, Section 30255 of the Coastal Act states the following:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

The new replacement lifeguard station raises potential conflicts with the shoreline protection policies of the Coastal Act. As noted in the project description, proposed is the demolition of an existing lifeguard station and the construction of a newer and larger lifeguard station in close proximity to its present location. The new station will be a little over three times the size of the existing lifeguard station resulting in an increase from 897 sq.ft. to 3,125 sq.ft. The new lifeguard station was designed so that it would be narrow from north to south but wider (longer) from west to east, in part, due to community concerns to preserve views looking west from Ocean Front Walk. In addition, the station is proposed to be larger to accommodate many amenities necessary for operation of this important public safety facility. While the Commission certainly recognizes the important function of a lifeguard station to the beach-going public, the structure must be located and designed to reduce impacts on shoreline sand supply and public access.

There are several ways in which any permissible structure on a beach can have an adverse impact on these coastal resources. The first is that such buildings could interfere directly with public access by *occupying beach area that would otherwise be available for public use.*

The second effect is that any hard structure on the beach, like a building or shoreline protective device can have *adverse impacts on sand supply*. Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" solutions alter natural shoreline processes. Shoreline protective devices can result in a number of adverse effects on the dynamic shoreline system and the public's beach ownership interests. First, shoreline protective devices can cause *changes in the shoreline profile,* particularly changes in the slope of the profile resulting from a reduced beach berm width. This may alter the usable area available to the public seaward of the structure. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on public property.

Another effect related to sand supply that a shoreline protective device (or other hard structure) has on public access is through a progressive loss of sand as the natural shore material is not available to nourish offshore sand bars. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. A loss of sandy beach area is a significant adverse impact on public access to the beach.

Third, shoreline protective devices can *cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches*. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. In the case of the proposed development, Mission Beach is a very wide sandy beach. However, the width of the beach can vary after severe storm events. The Commission notes that if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. The Commission also notes that many studies performed on both oscillating and eroding beaches have concluded that loss of beach occurs on both types of beaches where shoreline protective devices or other hard structures exist.

Fourth, if not sited in a landward location that ensures that the seawall is only acted upon during severe storm events, *beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, as noted, revetments, bulkheads, seawalls and other hard structures interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events, but also potentially throughout the winter season.*

Pursuant to Section 30235 of the Coastal Act, shoreline protection devices are required to be approved only when necessary to protect coastal-dependent uses, existing structures, or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local sand supply. The Coastal Act does not require the Commission to approve shoreline altering devices to protect vacant land or in connection with requests to construct new development that is not a coastal-dependent use. A shoreline protective device proposed in those situations is likely to be inconsistent with various Coastal Act

policies. For example, Section 30253 addresses new development and requires that it be sited to lessen the risks due to hazards. In this case, those risks are from waves, storm events, erosion and flooding. Thus, while the Commission certainly recognizes the important function of a lifeguard station for the beach-going public, the structure must be the minimum size necessary and located and designed to reduce impacts on public access and shoreline sand supply. These issues are further addressed below.

Need for Facility/Alternatives Analysis

Several alternative locations for the new lifeguard station as well as different foundation designs were considered. First of all, there are a number of reasons why the new station is proposed to be sited 80 feet further north than the existing station. One of the primary reasons is that it will allow the existing facility to remain in operation until the new one is built. A secondary reason is so that the new station will be more centrally located in its area of responsibility on the beach.

Specifically, as noted in a letter from TerraCosta dated 3/31/05, a more landward location for the new lifeguard tower was considered and subsequently rejected for several reasons, including the need for its proximity to the active beach face or foreshore. Although located about 600 feet out onto the public beach, under normal summer conditions, the backshore width is about 800 feet at this location, placing both the current and proposed lifeguard station at times upwards of 200 feet and more from the water's edge. Simply put, the lifeguard station must be located a reasonable distance from the waters edge to effectively observe and track water activities and allow for timely water rescues. In addition, the lifeguards need to be able to observe the jetty entrance in order to perform rescues there, as well. People like to wade in the water near the jetty because it gives the perception of a "sheltered" area rather than being in the "open ocean". The jetty is also a popular fishing place. Also, the waves break at the jetty which can cause hazardous conditions for people in the area. It is very important that the lifeguards be able to monitor both of these areas used by the public to perform rescues is the need arises. If the lifeguard station was moved further back (east) they would not be able to view these two areas of high public use.

Specifically, the applicant has stated that it is important to maintain the alignment with the existing station but in the east/west axis for the following reasons:

1) Response time and beach distractions - Moving the station to the east will adversely affect rescue response time and matter of seconds can affect the lifeguard's ability to save lives…

2) Scanning ability- Moving the station to the east would dramatically cut downclarity of natural sight lines to the water. Natural eyesight viewing is the most effective way to scan the beach for potential incidences or victims. Having to use binoculars can cause tunnel vision and the inability for the lifeguard to scan larger areas and thus miss observing the entire area they are responsible for.

3) Observing the Mission Bay Channel – The lifeguards are also responsible for observation and rescues at the channel. The westerly tip of the jetty is the most active area with waves breaking on the rocks. Moving the station to the east would adversely impact response time to the channel.

It is also stated that both the current and proposed lifeguard station location sited a distance of 200 +/- feet back from the summer foreshore is relatively protected by the fairly wide and stable backshore seaward of the tower location (ref. Exhibit No. 9). In the 27 years since the lifeguard tower was constructed, it was only damaged once during severe storms that occurred in the 1982-83 El Nino storm. In order to have avoided any damage, the structure would have had to be located as far inland as another 200-300 feet. But such a location would not be functional for performing water rescues. Another reason it would not be feasible to locate the tower further inland is that it would be much closer to the residences along Ocean Front Walk which would result in more of a visual impact to both residents and the public using the boardwalk and/or sandy beach area(s).

The applicant's architect has also provided additional information regarding the necessity of such a larger lifeguard station facility. Essentially, this lifeguard station has the responsibility for the heavily-used mile-long section of coastline from the South Mission Beach jetty, north to Ventura Place, which is one of the busiest public beach areas in the City. The existing lifeguard station is undersized, inaccessible and deteriorating badly. The City further noted that although the lifeguard station is proposed to be increased in size, it is to accommodate the City lifeguard service's long-term needs. The purpose of the project is to replace an aging lifeguard station that is not adequately serving the lifeguards. It has been documented previously (CDP #6-01-170/South Pacific Beach Lifeguard Station) that due to the larger public crowds using the populous Pacific Beach/Mission Beach areas, these facilities must be upgraded and enlarged to meet both today's and future needs of the public in terms of public health and safety.

The proposed lifeguard station has been designed not only to meet today's needs, but to also meet the needs and demand of the future. As noted by the lifeguard services, with improved public transportation and possible future trolley routes that will also service the beach areas, combined with population growth and upsurges in tourism, the proposed lifeguard station will be able to accommodate and serve the needs of the public in the future. According to the applicant, the new lifeguard station will have a 50-year design life.

The new lifeguard station proposes to incorporate many features that the existing facility does not presently have. For example, the existing facility does not have first aid room or a garage to store lifeguard vehicles or watercraft. It also lacks a reception room to address members of the public. The proposed two-car garage will accommodate emergency vehicles and personal water craft and all equipment used for life saving including long boards, etc.

Another alternative reviewed for the project is relocating some of the ancillary equipment in the proposed new lifeguard station inland or to a different station in order to reduce the size of the new lifeguard station. However, the applicant's architect has indicated that such an alternative would imperil public safety in that the lifeguards would lose quick access to this public safety equipment if located in another lifeguard station. Time cannot be wasted trying to retrieve equipment from a remote location as lives could be lost. The City pointed out that locating a structure further inland would significantly increase the response time in emergency situations and significantly diminishes visibility for rescue operations.

Another alternative reviewed was to eliminate the proposed garage as a component of the new lifeguard tower. The applicant's architect responded that currently lifeguard vehicles are required to drive from the existing Mission Beach station located at Belmont to the existing lifeguard station because the current station does not have a place to store vehicles. As such, if there is a problem, they need to drive over from the other station. The new building will have a garage for storage of lifeguard vehicles and as such because the vehicles will be located immediately on site this will reduce the distance of travel by public safety vehicles by .8 of a mile which will result in an overall improvement to public safety at this location.

The City further considers this to be the reconstruction of an existing public works facility which services the coastal dependent land use and provides a central public service that is vital to the economic health of the region. Mission Beach has a high volume of beach visitors year round and it is essential that the existing lifeguard station be demolished and replaced with a new station that adequately meets the needs of the lifeguard staff to service the beach-going public.

In addition, the City has long-term plans for widening the entire length of the public boardwalk in both Mission Beach and Pacific Beach and has received several recent coastal development permits to do so. The boardwalk has already been widened from Ventura Court north to Santa Barbara Place and from Santa Rita Place south to Santa Barbara Place. Future phases of this widening will occur in south Mission Beach directly east of the project site (between San Fernando Place south to the southern terminus of Ocean Front Walk near the jetty). The widened boardwalk will accommodate larger beach crowds and provide more public access opportunities. The lifeguard service has pointed out that the larger building footprint of the lifeguard station is in keeping with the trend to expand and improve public access and safety as a whole along the beachfront. As an example of other lifeguard structures which have recently been improved and enlarged are the Pacific Beach lifeguard station, the City of Coronado lifeguard station and the Bolsa Chica/Huntington Beach lifeguard station. The Pacific Beach Lifeguard station is 4,303 sq.ft., the Coronado Lifeguard station is 2,574 sq.ft., and the Bolsa Chica/Huntington Beach station is 4,800 sq.ft. As such, the proposed new South Mission Beach Lifeguard station, at 3,125 sq.ft. in size is not only comparable in size to these other recently constructed lifeguard stations but even smaller than some of the stations noted.

As has been stated by the lifeguard service in the past, when a modern lifeguard station fully equipped with all of the necessary emergency and rescue equipment/supplies exists on a populous beach such as this (South Mission), both beach visitors and tourists feel much more at ease knowing that public access to the ocean is safe at this location.

In addition, as noted previously, the project also includes the construction of a buried sheetpile seawall to provide protection to the station. As such, several alternatives to the foundation of the structure and the need for the shoreline protection were considered as stated in the 2/16/05 geology report:

> *In general, foundation systems should fulfill three requirements. First, they should provide support for the design vertical loads without failure or excessive settlement. Second, they should provide support for the design lateral loads without failure or excessive deformation. Third, they should mitigate the effects of vertical and lateral soil movement on the proposed structure. Soil movement can occur due to site and environmental conditions, as well as environmental changes.*
>
> *…given the difficulty of excavating footings in the relatively clean sands, we have recommended the use of a structural concrete mat foundation for the new lifeguard tower.*
>
> *For long-term protection of the new lifeguard tower against marine erosion, a variety of alternatives exist, including foundation support on either driven piles, drilled piers, or deepended stemwalls. […] Recognizing that during the life of the structure, it should be anticipated that at some time, the entire transient beach profile will be at leas t temporarily scoured away during a severe storm, this would likely also result in the loss of utilities and at least the temporary loss of the building's use until all of the utilities and associated infrastructure have been replaced. Structural support could also be provided by a rock revetment, with the revetment protecting the building's foundation soils from wave-induced scour.*
>
> *Given the various viable foundation alternatives with a view toward marine erosion protection, we have recommended the installation of a buried sheet-pile bulkhead around the seaward portion of the lifeguard tower, with sufficient offset along its sides to allow both beach scour and wave run-up to extend around and beyond the tower without compromising the structure. We have recommended a semi-circular sheet-pile bulkhead with its landward ends a minimum of 30 feet beyond the proposed structure to enable the placement of additional temporary protection under a worst-case southerly storm condition that might displace a significant portion of the backshore away from the proposed facility. In this regard, we have recommended that the sheet-pile bulkhead be of cantilever design and be designed to accommodate a maximum design scour depth at the front face of the structure of 12 feet, consistent with the design scour elevation of 0 feet, MSL.*

The report goes on to state that one of the advantages of this alternative is that it can be easily removed at some future date if the lifeguard tower were to be moved. Also, the proposed structural mat foundation which is entirely separated from the seaward perimeter of the buried bulkhead wall would also make it the easiest type of foundation to facilitate a landward location if it became necessary to do so.

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The geology report further states:

> *With regard to the proposed wall, and particularly in view of it being almost buried, this wall represents the absolute minimum necessary to provide reasonable protection to the proposed facility. City forces have routinely built up a berm around this lifeguard facility to provide protection during storm surf, and to facilitate access to a scoured beach profile, access that is used by both the public and for lifeguard vehicles. The City envisions continuing this practice and the presence of the wall is only necessary to protect the reconstructed facility during periods of severe storm activity. This construction <u>will</u> <u>not</u> alter natural shoreline processes, as the City is committed to maintaining a sand berm in front of the structure to ensure its uninterrupted service.*
>
> *Beach nourishment is always a available project alternative an a wide protective sand beach is clearly the most efficient form of shoreline protection, and particularly well suited for Mission Beach, recognizing that the project site lies along he southerly margin of a somewhat isolated 3 1/2 mile long subcell, with the only practical source of beach sand being by artificial beach renourishment. Simply stated, a sufficiently wide beach would not allow waves to impact directly upon shore-based structures. Severe storms, will, however, displace considerable sand, thus the need for a sufficiently wide sacrificial cross section of beach to allow erosion and displacement of the transient sandy beach materials. The Resources Agency of the State of California (1997) and SANDAG's Shoreline Preservation Strategy (1993) recognize that beach renourishment especially for low-lying areas, is by far the best approach to shoreline protection. SANDAG has championed the use of opportunistic sand for beach nourishment and is responsible for the 100,000 cubic yard sand fill allocated for the Mission Beach subcell in May 2001. Undeniably, beach nourishment provides both increased shoreline protection and recreational benefits. An ongoing commitment to beach nourishment and capitalizing on available opportunistic sand sources will reduce the potential for an extreme storm event damaging the new South Mission Beach lifeguard facility. The proposed buried erosion barrier merely provides a last line of defense during those infrequent periods when storm surf scours the beach. Given sufficient artificial beach renourishment, the proposed buried bulkhead would never become more exposed and, thus, would be unnecessary. However, until sufficient artificial beach renourishment occurs, the proposed buried structure merely provides additional protection to the new facility.*

On a related matter, the Commission's engineer has indicated that the issue of tsunamis or worst-case run-up elevation must also be considered in shoreline development as well

as whether the observation level is high enough to be safe, whether the building could survive the wave forces and the feasibility of vertical evacuation of the structure as a safety measure in response to tsunami preparedness efforts being developed by the local Office of Emergency Services (OES). In response to this concern, the applicant's engineer has indicated in a letter dated 1/21/07 that although the still water level during a tsunami event would be considerable less than the maximum design still water level, assumed to be at elevation 7.0 MSL, from which runup is typically measured, the extremely long wave length and associated energy of the tsunami will not dissipate as quickly as a typical wind-generated wave, with much of the tsunami's energy passing the lifeguard station and breaching the short, Mission Beach Boardwalk seawall, inundating the houses along Mission Beach. It is also stated in the letter that whether or not the building could withstand a tsunami event would require further evaluation. However, the observation tower level of the proposed structure is significantly higher than the predicted two meter wave height which would easily accommodate vertical evacuation as a safety measure.

In summary, the City has concluded the building footprint has been reduced to the maximum extent possible and the seaward encroachment has been reduced to the maximum amount possible. As noted earlier in this report, the City has adequately demonstrated why the new lifeguard station needs to be larger in size. The lifeguard service has emphasized that each year the beach crowds get larger and public transportation may be improved in the future with possible trolley lines servicing the beach areas.

A geotechnical report has been completed for the proposed project and states that the need for its presence in this area is undisputed and its increased size is also dictated by the City Lifeguard Services New Program requirements. The existing lifeguard station was constructed in 1980 and no longer adequately serves the needs of the City of San Diego's lifeguards and the beach-going public. Both the new and the existing lifeguard station extend about 600 feet out onto the public beach and are required to do so to enable unobstructed views for a mile-long section of heavily-used coastline from the Mission Bay jetty northerly to Ventura Place.

Although Section 30235 prohibits the construction of a shoreline protection device for non-coastal dependent new development, it may be allowed for a coastal dependent use provided that all adverse impacts on shoreline sand supply have been eliminated or mitigated. In this particular case, the proposed lifeguard station can be considered a coastal dependent use. The Coastal Act defines a coastal dependent use as "…any development or use which requires a site on, or adjacent to, the sea to be able to function at all." In this particular case, as demonstrated earlier, the lifeguard structure must be the size that it is proposed and sited in the location proposed, resulting in the need for some form of shoreline protection to assure its safety into the future. The proposed seawall is proposed to be located 30 ft. seaward of the proposed new lifeguard structure.

The Commission's coastal engineer has also reviewed the proposed project and submitted technical reports and concurs with the findings of the geotechnical report. The

Commission's engineer has also indicated that based on the applicant's geotechnical reports, it is unlikely the erosion protection structure will alter sand transport on a permanent basis. Although there is some temporary alteration of sand during those times when the lifeguard station would otherwise be at risk, the sand that would be moved from the backshore to the foreshore is already being used for public recreation so it is not a loss but rather prevention of a transfer from one public area to another.

The Commission recognizes the necessity of the proposed development for public safety purposes and in this particular case finds that the impacts on shoreline sand supply, public access and visual resources have been reduced to the maximum extent possible, therefore, its siting on the beach is consistent with the Coastal Act.

Thus, to ensure that the proposed project is consistent with Sections 30235 and 30253, and that the proposed project does not result in future adverse effects to coastal processes, the Commission imposes Special Condition #1 for submittal of final plans. This condition requires minimal disturbance to the sand and intertidal areas as well as requiring the City to continue the practice of sand berming seaward of the lifeguard structure. Special Condition #2 requires the applicant to submit as-built plans within 60 days of construction of the proposed development to assure that the development has been constructed according to the approved plans.

As noted earlier, the Commission's engineer has reviewed the project and concluded that as proposed, the buried bulkhead wall has been designed to be adequate to protect the proposed structure from storms. Special Condition #9 requires the City to waive any rights to additional protection in the future that would increase the seaward extent of the seawall. If, in the future, the shoreline protection is damaged or fails to protect the station, the City should apply for a new permit or amendment to this permit to repair or rebuild the seawall in a manner that does not require additional encroachment on the beach.

Although the Commission finds that the proposed seawall has been designed to minimize the risks associated with its implementation, the Commission also recognizes the inherent risk of shoreline development. The lifeguard tower will be subject to wave action. Thus, there is a risk of damage to the structure or damage to property as a result of wave action. Given that the applicants have chosen to construct the structure despite these risks, the applicants must assume the risks. Accordingly, Special Condition #10 requires that the applicants submit a letter which acknowledges the risks associated with the development and that indemnifies the Commission against claims for damages that may be brought by third parties against the Commission as a result of its approval of this permit.

In summary, the Commission finds that the proposed lifeguard structure has been minimized to the maximum extent feasible. However, to assure its long-term protection the applicants have demonstrated that the proposed lifeguard station is in need of protection and that, in addition to the seawall, the City will continue to utilize a built-up berm in front of the lifeguard station. However, in this case, the applicant's coastal engineer has indicated that the proposed seawall would not have an adverse impact on

sand supply. The Coastal Commission's coastal engineer concurs with this statement. The proposed buried seawall will function as a last line of defense and protection against threat from wave overtopping and erosion during severe storm events. Therefore, the Commission finds that the proposed development will minimize seaward encroachment to the extent possible and is, thus, consistent with Sections 30235 and 30253 and with the public access and recreation policies of the Coastal Act

3. Public Access/Recreation/Parking. The following pubic access policies are applicable to the proposed development:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

As noted earlier, the project site is located on South Mission Beach near the jetty. The proposed lifeguard station will be located approximately 600 feet seaward from Ocean Front Walk, the public boardwalk in this area that runs from the South Mission Beach

Jetty north approximately 2.36 miles to Thomas Avenue in the community of Pacific Beach. Directly east of the project is where Ocean Front Walk begins to veer away from a general north/south alignment and turn west towards the ocean. It terminates at the public parking lot that is located just north of the jetty. The boardwalk is a heavily-used recreational facility frequented by pedestrians, bicyclists, skaters, skateboarders, runners, and persons in wheelchairs. The walkway is accessible from the east/west streets off of Mission Boulevard, and provides access to the sandy beach at stairways located at various points along the seawall.

This beach area is a very popular destination for beachgoers and the public park includes a landscaped area with picnic tables and BBQ's. There are also basketball courts and adjacent sand volleyball courts. The jetty is also used by the public for fishing. Construction activities during the busy summer months when beach attendance is at its greatest demand would significantly impact public access at this location. South Mission Beach is a heavily populated beach especially during the summer months. It is also one of the widest beaches in San Diego County ranging in width from approximately 750 feet in the vicinity of Asbury Court to a width of approximately 1,000 feet in the vicinity of Anacapa Court (ref. Exhibit No. X).

The proposed demolition of the existing lifeguard station and construction of a new lifeguard station is a major project along this popular beach. With regard to impacts on public access as a result of the proposed lifeguard station itself, the structure is proposed to be located 80 feet further north and 12 feet further east than the existing lifeguard station. This revised location will have no adverse effect on public access. The applicant has stated that the station will be located in an area of the beach that is not used much by the public for sunbathing. It is "transition zone" between the wide sandy beach to the east and lower shoreline platform to the west.

With regard to construction impacts, the project will temporarily disrupt public access to this recreational area by the construction and demolition of beach facilities and the stockpiling of debris and equipment storage. The Commission requires special conditions for this project to limit the disruption and ensure that public access to this beach remains open and clear for recreational uses. The peak beach use season runs through the summer from May to the beginning of September (typically from the start of Memorial Day weekend to Labor Day). During the construction phase of the project there would be a temporary impact to public access. In this particular case, the existing lifeguard station will remain in operation until the new one is constructed, and a prohibition on work during the summer months would not jeopardize public safety. Therefore, in order to reduce the project's impacts on coastal access and limit the disruption of the recreational uses, Special Condition #3 requires that no work occur between Memorial Day weekend and Labor Day of any year. In addition, Special Condition #7 requires State Lands Commission review to assure that if state lands are involved, all permits have first been obtained.

As noted in earlier findings, there is an existing rip rap revetment seaward of the existing lifeguard station. Therefore, Special Condition #8 requires that any exposed rip rap or

rock that can be easily excavated shall be removed at the time that the lifeguard station is demolished in order to minimize its impact on public access. Any rock that is not exposed shall be removed over time as it becomes visible. The condition further details the requirements of such removal.

In summary, the proposed larger lifeguard station will not result in any impacts on public access at this location for a number of reasons. First, the beach is very wide at this location and its occupation of beach area will not usurp beach area for the public because it is located in an area of the beach that is not used much by the public as documented by the lifeguard service. Also, due to the width of the beach, there is still plenty of room for beachgoers to sunbathe and picnic, etc. In addition, the existing lifeguard station will be demolished after the new one is constructed which will open up more beach area for public use as well. As conditioned, the proposed improvements will not result in any adverse impacts on coastal access at this location. As such, the proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act addressing public access and recreation.

4. Public Views. Section 30251 of the Coastal Act is applicable to the subject project and states, in part:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas,…

In addition, the certified Mission Beach Precise Plan contains policies addressing the protection of visual resources including the protection of public views to the ocean. Presently, ocean views are visible looking west across the beach from Ocean Front Walk, the public parking lot to the south near the jetty, and all along the beach in this area. Although the existing lifeguard station is in the middle of the "viewshed" associated with the view, it represents a minor intrusion into this viewshed primarily because it has been designed to be narrow from south to north as viewed from the west thus making it appear smaller as well as the fact that it will be located a long way from the public boardwalk (approximately 600 feet away). In addition, the new lifeguard station will not exceed the 30-ft height of existing structure.

The proposed lifeguard station needs to be in the proposed location to meet the needs of the lifeguard service. In addition, the size of the station is the minimal necessary to meet the current and long-term needs of the lifeguard service as far as function. Given these factors, the applicant went about designing the structure such that it would be as unobtrusive as possible as viewed from the east. The City held a number of community meetings to obtain the local input from the residents of the community. The major concern brought up by the public was the potential for blockage of views as seen from Ocean Front Walk (the public boardwalk) to the east. Based on this input, the applicant spent considerable time designing the new lifeguard station to minimize its impacts to

views to and along this scenic coastal area. The City specifically designed the footprint of the new lifeguard tower such that it was more narrow from north to south but wider from west to east to minimize its potential impacts on public views. In other words, the proposed station is long and narrow as viewed from the east.

Although the lifeguard station is proposed to be larger to accommodate the current lifeguard service's long-term needs, the impact on public views has been minimized by designing the station in a manner to reduce its bulk and scale by placing additional spaces into the first-story, narrow structure on an axis that is east-to-west. The first floor is the largest and the two upper levels are quite small by comparison. This narrow profile of the proposed building minimizes the bulk and scale and optimizes and maintains the public views to the ocean (ref. Exhibit No. 6).

Also, the proposed buried erosion barrier wall (bulkhead seawall) for the majority of the time will never be visible. The proposed improvements to the lifeguard station are essential to assure the public safety in this populous beach area and the City has adequately designed the project such that public views looking west from Ocean Front Walk will not be significantly impeded, as was the consensus of the Mission Beach community.

The City also proposes to incorporate a public art feature as part of the proposed project. A short length of the buried erosion control bulkhead will have an exposed concrete cap in the form of a variety of "architectural" beach cottage profiles that mirror the residences along the public boardwalk in this community. In addition, limited landscaping is proposed along the entry walk to the lifeguard station. Although this is intended to beautify the outside of the lifeguard station, landscaping on the beach is not appropriate and is very difficult to maintain. As such, no landscaping is permitted pursuant to Special Condition 1(e).

Special Condition #6 requires that the City maintain the exterior of the structures with colors and materials compatible with the surrounding environment. Special Condition #1 also requires, in part, that the placement of advertising on the lifeguard structure is prohibited. Clocks, temperature displays, or other public safety or informational displays would be permitted. Therefore, as conditioned, the Commission finds that the proposed development is consistent with Section 30251 of the Coastal Act.

5. Water Quality. The following sections of the Coastal Act are applicable to the proposed development and state:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will

maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Sections 30230, 30231 and 30232 of the Coastal Act require that marine resources be maintained, enhanced, and restored in a manner that will sustain the biological productivity of all species of marine organisms in coastal waters, and that the biological productivity and water quality of coastal waters be maintained and restored by controlling polluted runoff.

The lifeguard station will be located directly on the beach. Pollutants such as sediments, toxic substances (e.g., grease, motor oil, heavy metals, and pesticides), bacteria, and trash and particulate debris are often contained within urban runoff entering via the storm water system or directly into the ocean. The discharge of polluted runoff into the ocean would have significant adverse impacts on the overall water quality of the ocean.

Construction activities may have an adverse effect on water quality in a number of ways. For example, the storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, tide, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery not designed for use in coastal waters may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged to coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, Special Condition #4 outlines construction-related requirements to provide for the safe use and storage of construction materials and the safe disposal of construction debris.

This condition requires the applicant to submit a Construction Best Management Practice Plan. In addition, Special Condition #4 requires the implementation of Best Management Practices BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity prior to the onset of construction. Such measures include, in part, proper handling, storage, and application of petroleum products and other construction materials; maintaining and washing equipment and machinery in confined areas specifically designed to control runoff; and stabilizing any stockpiled fill with geofabric covers or other appropriate cover.

The proposed project will result in an increase in impervious surfaces. Currently, water runoff from the existing lifeguard station sheet flows onto the beach and into the ocean. Since the existing lifeguard tower was constructed decades ago, the project site is lacking in water quality measures to treat or filtrate storm water runoff that leaves the site and enters the coastal waters.

The discharge of these pollutants to coastal waters can cause cumulative impacts which reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health. Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require Special Condition #5 which requires the incorporation of a Water Quality Management Plan with BMPs designed to reduce the amount of polluted runoff from all surfaces and activities on the development site. The Water Quality Best Management Plan (Special Condition #5) requires the implementation of appropriate BMPs for the project including restrooms, rooftops and driveways associated with the lifeguard station. Critical to the successful function of any post-construction structural BMPs in removing pollutants in storm water is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small in scale. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small,

more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost. Therefore, any post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

Special Condition #5 requires that all BMPs be operated, monitored, and maintained for the life of the project and at a minimum, any structural BMPs shall be inspected, cleaned-out, and when necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season. Debris and other water pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner. Special Condition #4 also requires the applicant to dispose of all demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicant that use of a disposal site within the coastal zone will require an amendment or new coastal development permit. The Commission's Water Quality staff have reviewed the project and the special conditions and determined that as conditioned, the project will protect marine resources and coastal waters.

Therefore, as conditioned to comply with construction related requirements, dispose of all debris at an approved disposal site, and incorporate and maintain Best Management Practices during and after construction, the proposed project is consistent with the water quality provisions of the Coastal Act as cited above.

6. Local Coastal Planning. The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority. The subject permit will result in the improvement of a public works facility which will result in improved public safety, public access and recreational opportunities consistent with the policies of the certified Mission Beach Precise Plan. As conditioned, the project is consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Mission Beach community.

7. Consistency with the California Environmental Quality Act (CEQA).
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the geologic hazard, visual resource, water quality and public access and recreational policies

of the Coastal Act. Mitigation measures, include conditions addressing timing of construction and construction access staging, landscaping and water quality will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

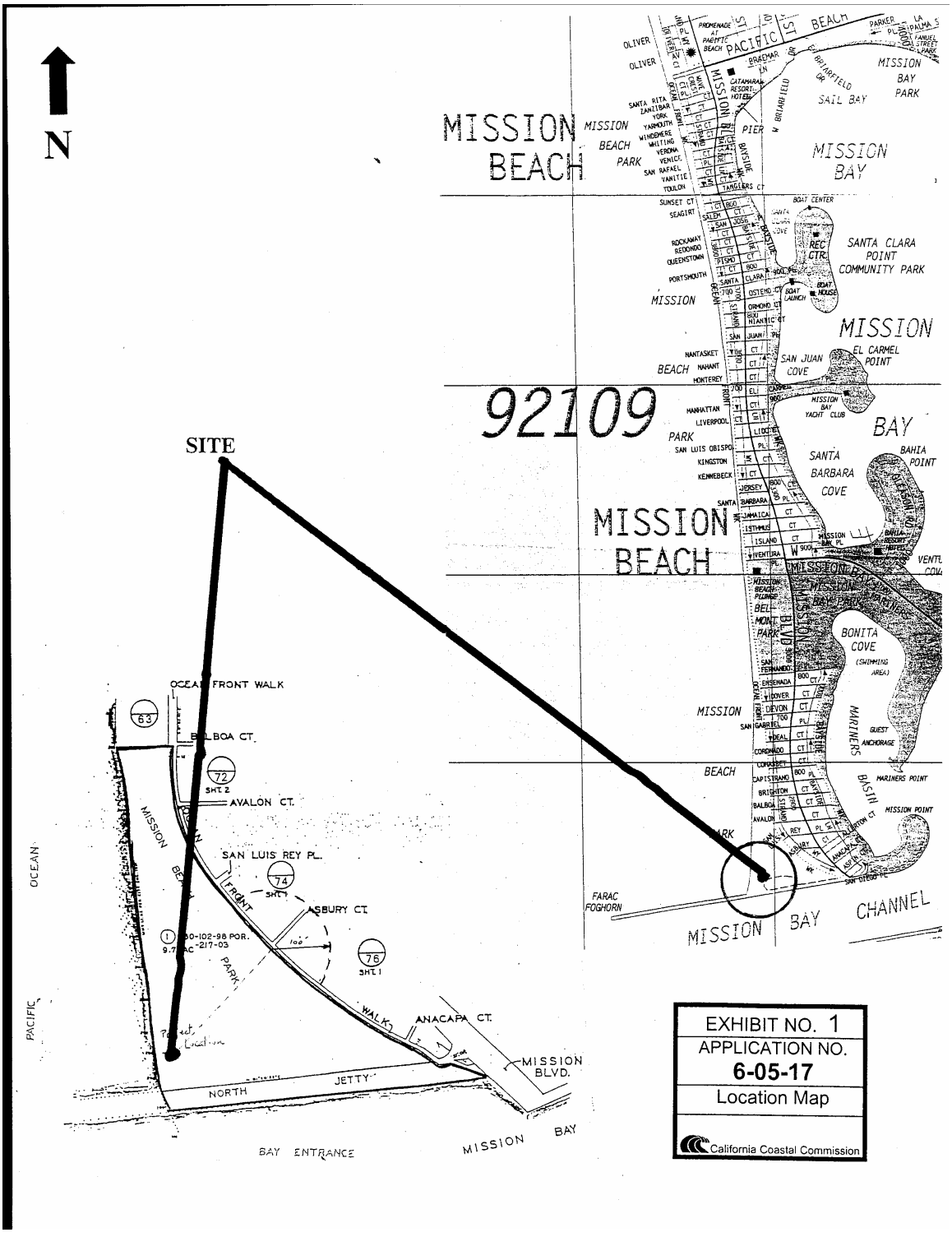
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

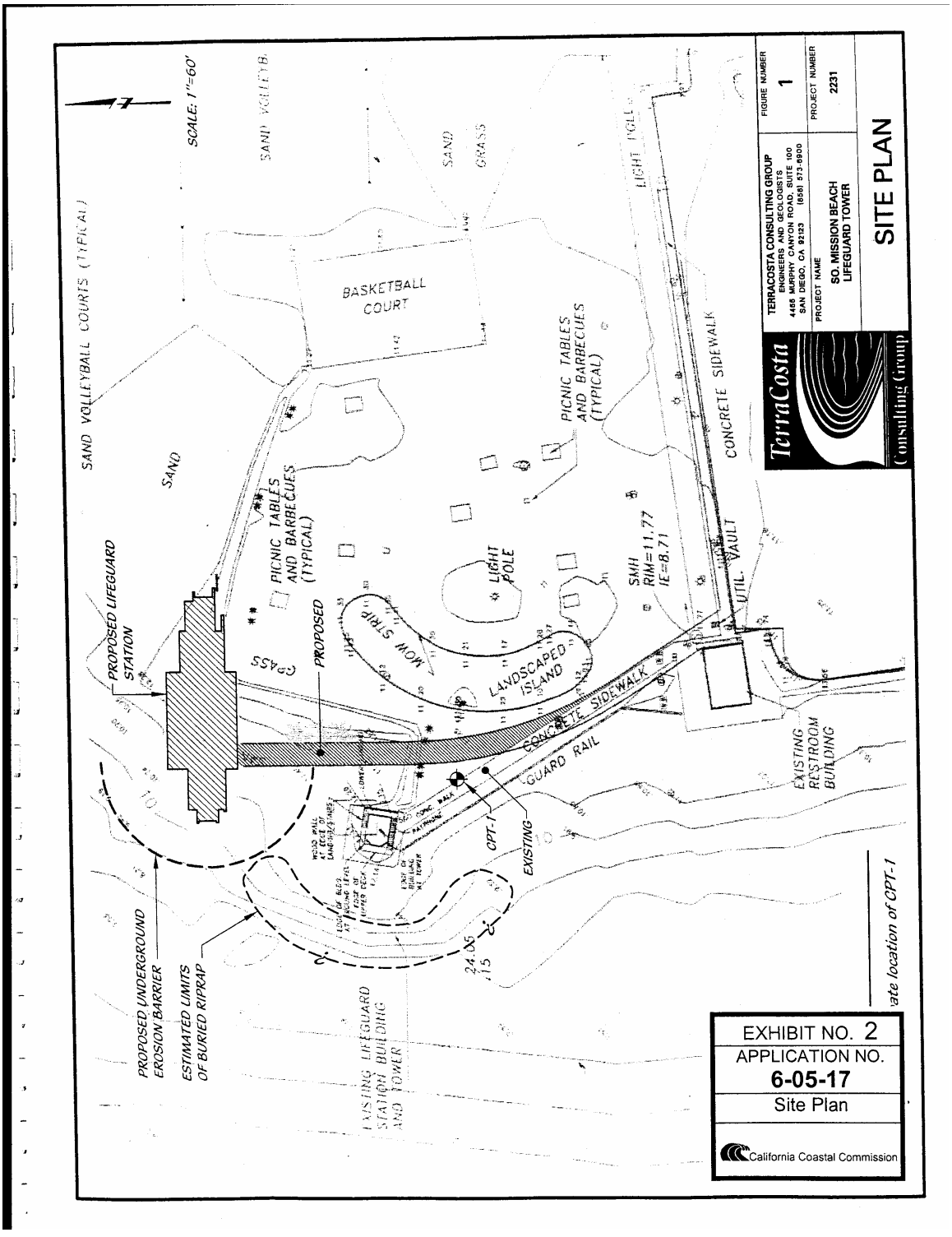
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.


N
SITE
92109
MISSION BEACH
MISSION BAY
SAIL BAY
MISSION BAY PARK
SANTA CLARA POINT COMMUNITY PARK
SAN JUAN COVE
EL CARMEL POINT
SANTA BARBARA COVE
BAHIA POINT
BONITA COVE (SWIMMING AREA)
MISSION BAY YACHT CLUB
MISSION BEACH PARK
BELMONT PARK
MISSION BLVD.
MARINERS BASIN
MARINERS POINT
MISSION POINT
GUEST ANCHORAGE
FARAC FOGHORN
MISSION BAY CHANNEL
OCEAN FRONT WALK
BALBOA CT.
AVALON CT.
SAN LUIS REY PL.
ASBURY CT.
ANACAPA CT.
MISSION BLVD.
NORTH JETTY
BAY ENTRANCE
MISSION BAY
OCEAN
PACIFIC
Project Location
EXHIBIT NO. 1
APPLICATION NO.
6-05-17
Location Map
California Coastal Commission


SCALE: 1"=60'
SAND VOLLEYBALL COURTS (TYPICAL)
SAND
BASKETBALL COURT
PICNIC TABLES AND BARBECUES (TYPICAL)
CONCRETE SIDEWALK
LIGHT POLE
SMH RIM=11.77 IE=8.71
UTIL. VAULT
PROPOSED LIFEGUARD STATION
PROPOSED
PASS
MOW STRIP
LANDSCAPED ISLAND
CONCRETE SIDEWALK
GUARD RAIL
EXISTING RESTROOM BUILDING
CPT-1
EXISTING
PROPOSED UNDERGROUND EROSION BARRIER
ESTIMATED LIMITS OF BURIED RIPRAP
EXISTING LIFEGUARD STATION BUILDING AND TOWER
ate location of CPT-1
TERRACOSTA CONSULTING GROUP
ENGINEERS AND GEOLOGISTS
4165 MURPHY CANYON ROAD, SUITE 100
SAN DIEGO, CA 92123 (858) 573-8900
PROJECT NAME
SO. MISSION BEACH LIFEGUARD TOWER
FIGURE NUMBER 1
PROJECT NUMBER 2231
SITE PLAN
TerraCosta Consulting Group
EXHIBIT NO. 2
APPLICATION NO.
6-05-17
Site Plan
California Coastal Commission

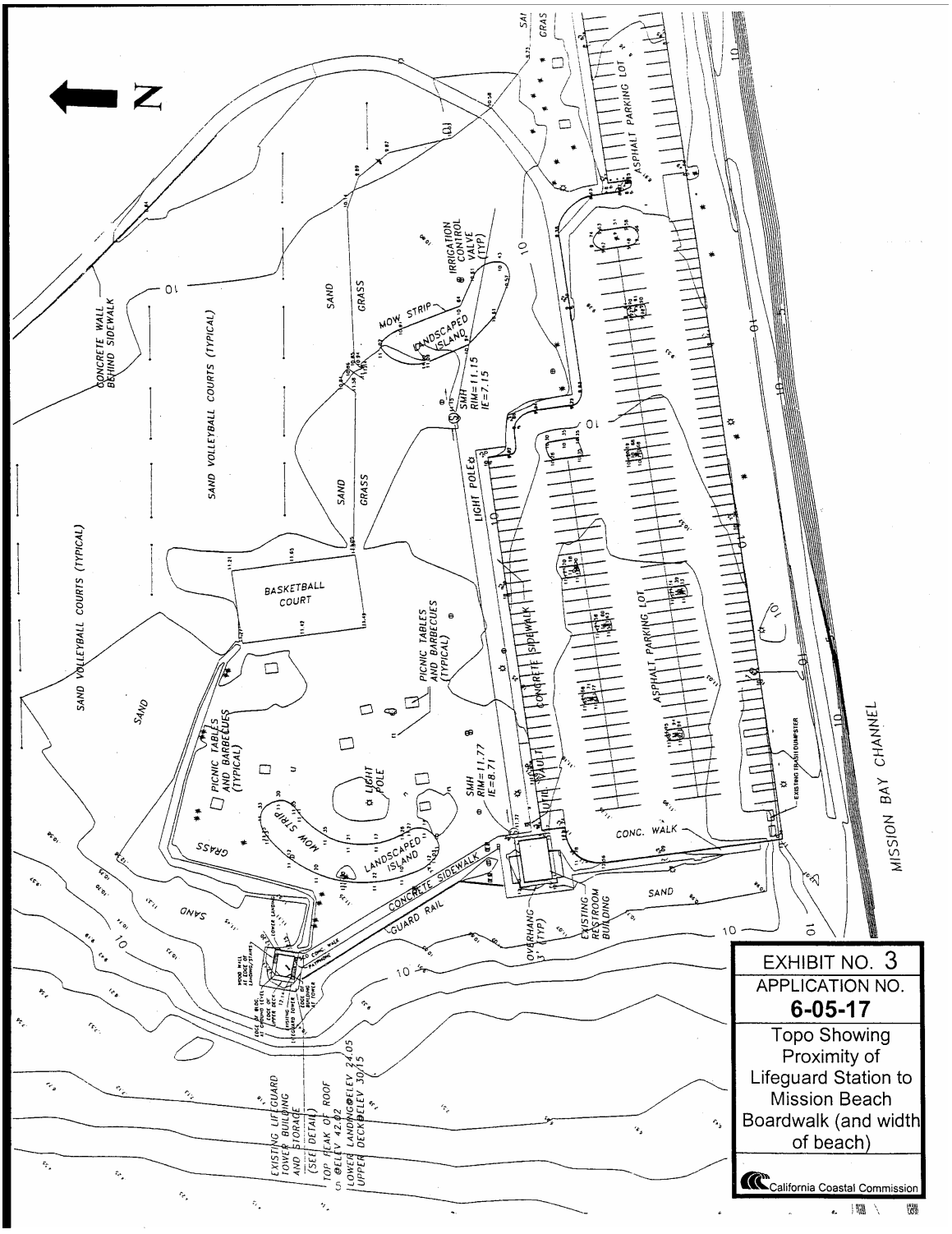
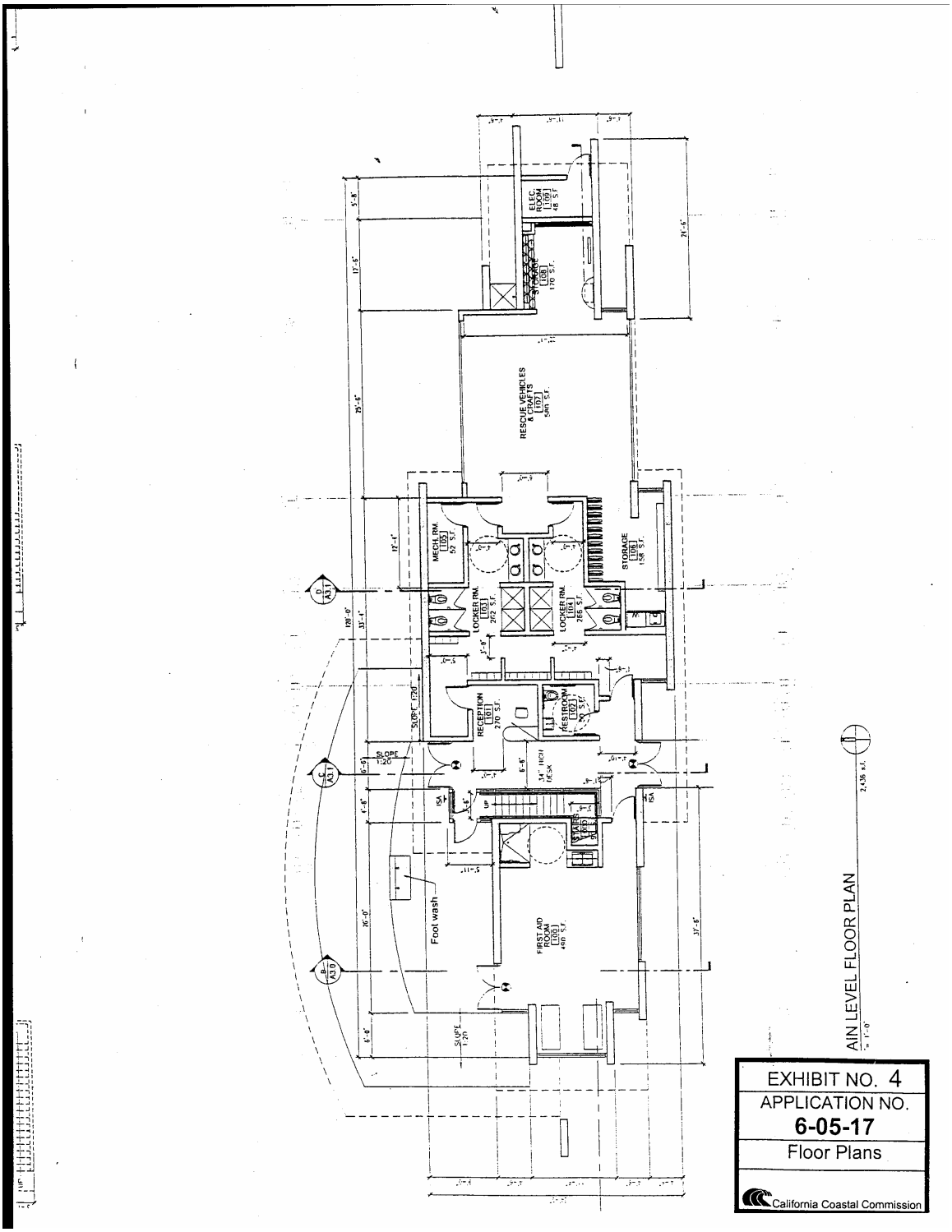


EXHIBIT NO. 3
APPLICATION NO.
6-05-17
Topo Showing Proximity of Lifeguard Station to Mission Beach Boardwalk (and width of beach)
California Coastal Commission


ELEC. ROOM [109] 48 S.F.
STORAGE [108] 170 S.F.
RESCUE VEHICLES & CREW QTRS [107] 5,861 S.F.
MECH. RM. [105] 62 S.F.
STORAGE [106] 136 S.F.
LOCKER RM. [103] 270 S.F.
LOCKER RM. [104] 265 S.F.
RECEPTION [101] 270 S.F.
RESTROOM [102] 90 S.F.
SLOPE 1:20
UP
DOWN
FIRST AID ROOM [100] 440 S.F.
Foot wash
SLOPE 1:20
AIN LEVEL FLOOR PLAN
EXHIBIT NO. 4
APPLICATION NO.
6-05-17
Floor Plans
California Coastal Commission

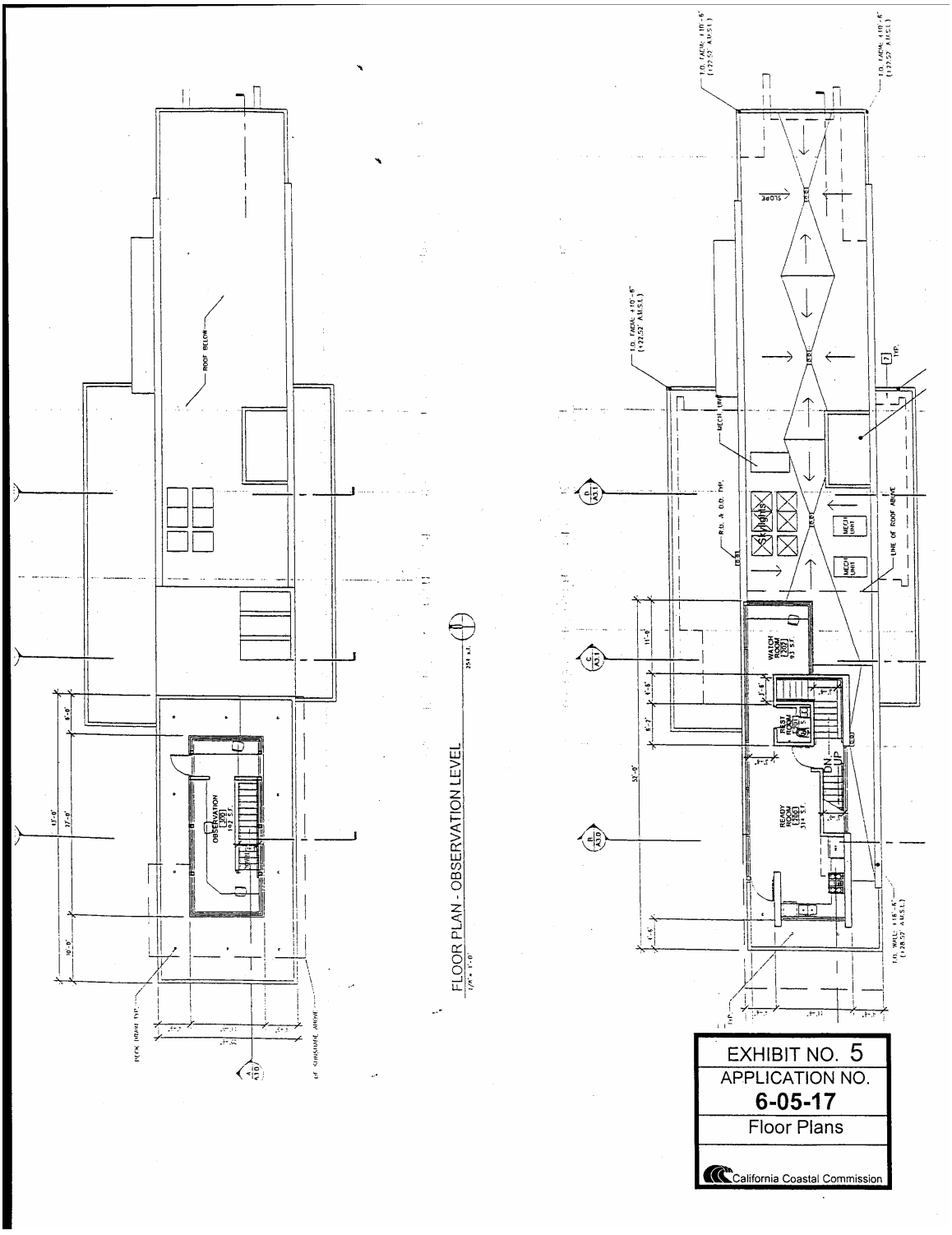


EXHIBIT NO. 5
APPLICATION NO.
6-05-17
Floor Plans
California Coastal Commission

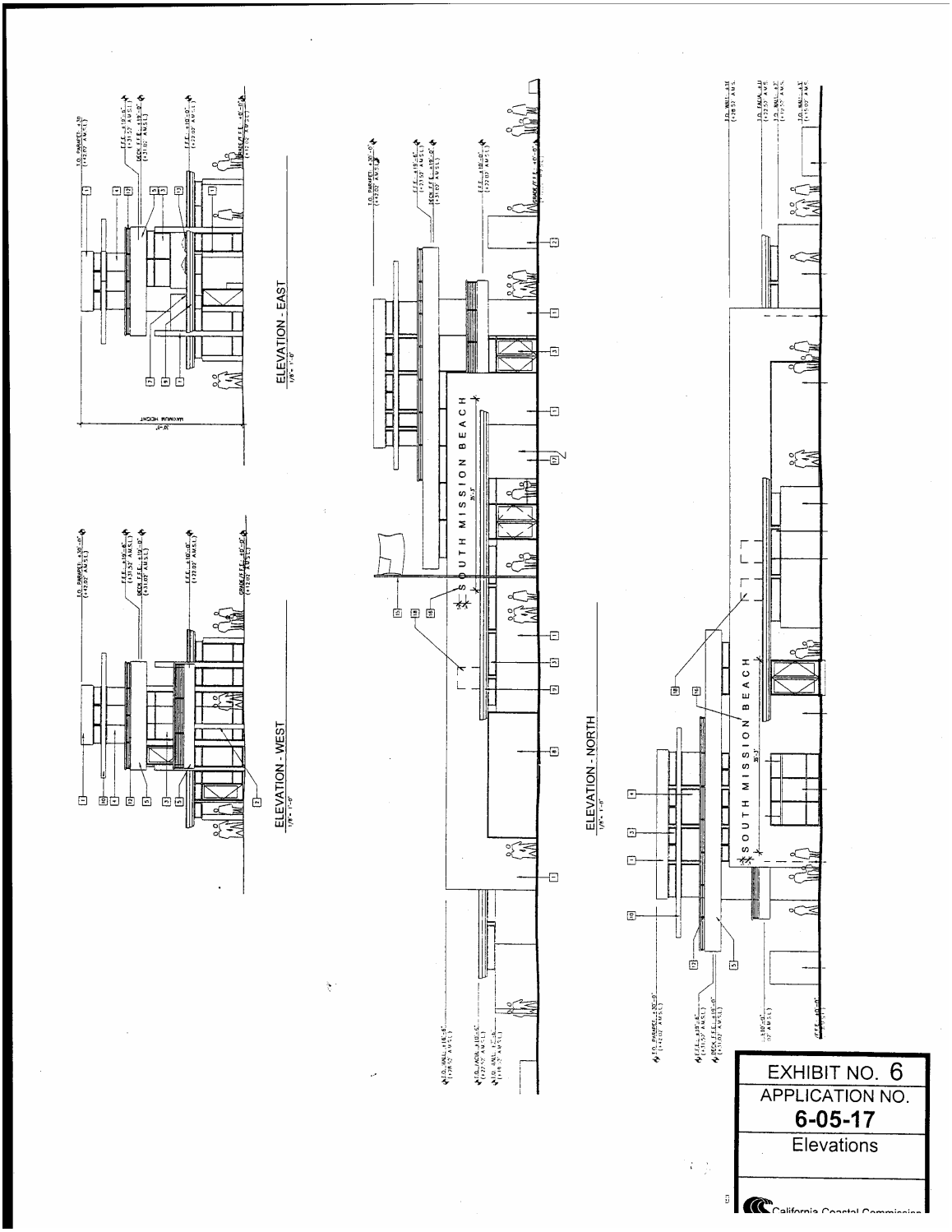


EXHIBIT NO. 6
APPLICATION NO.
6-05-17
Elevations

California Coastal Commission

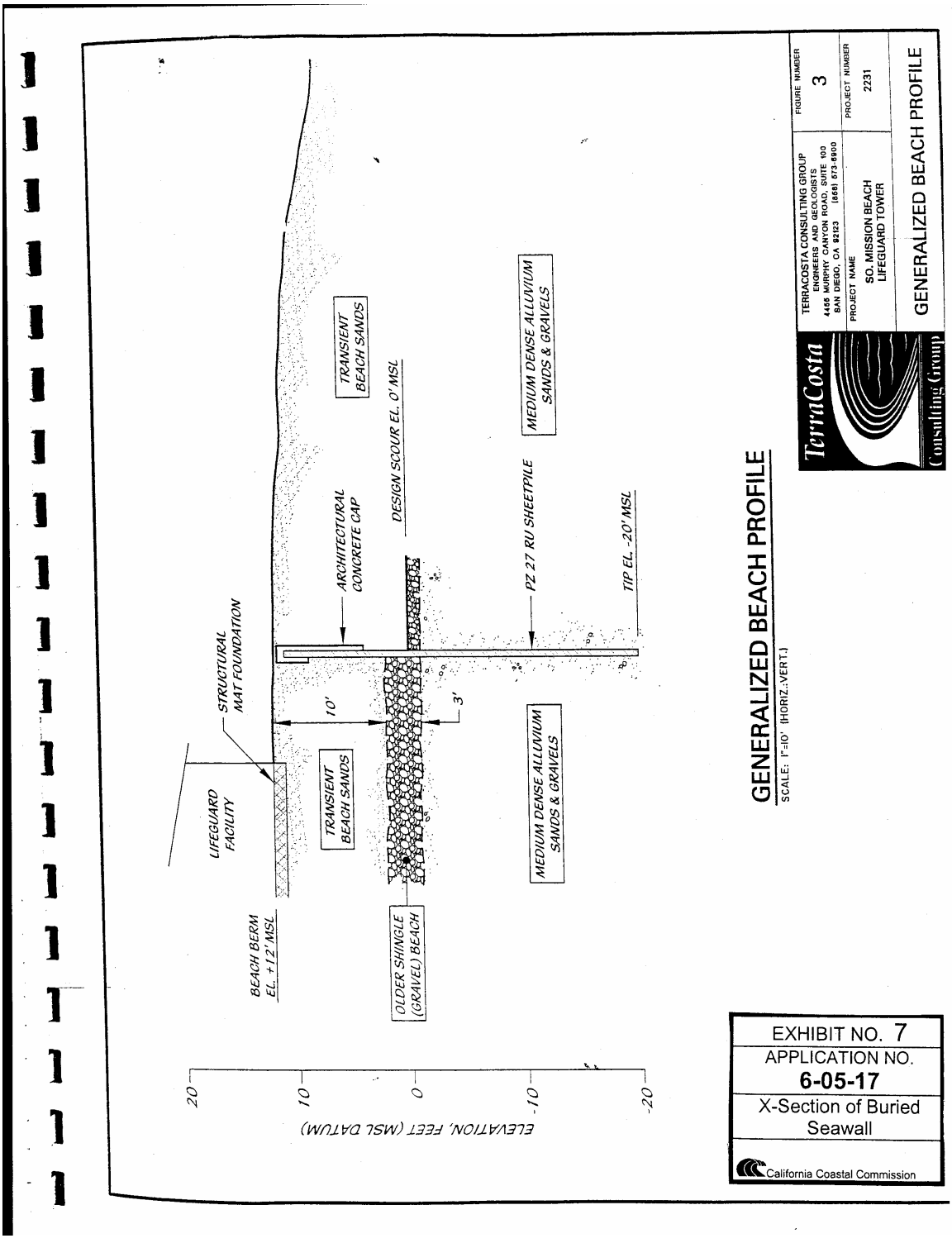
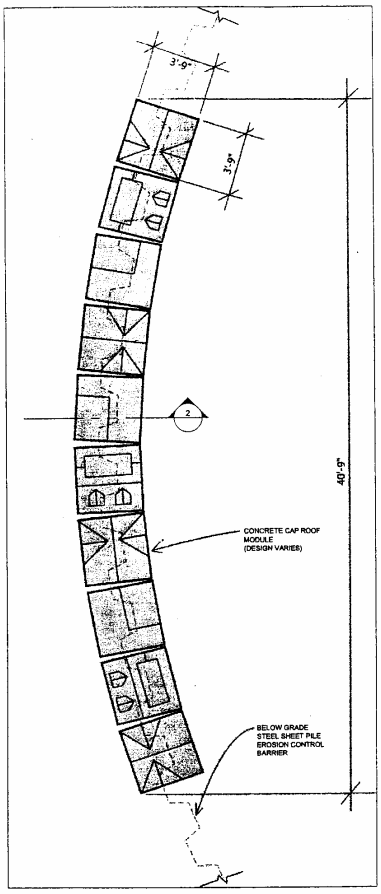
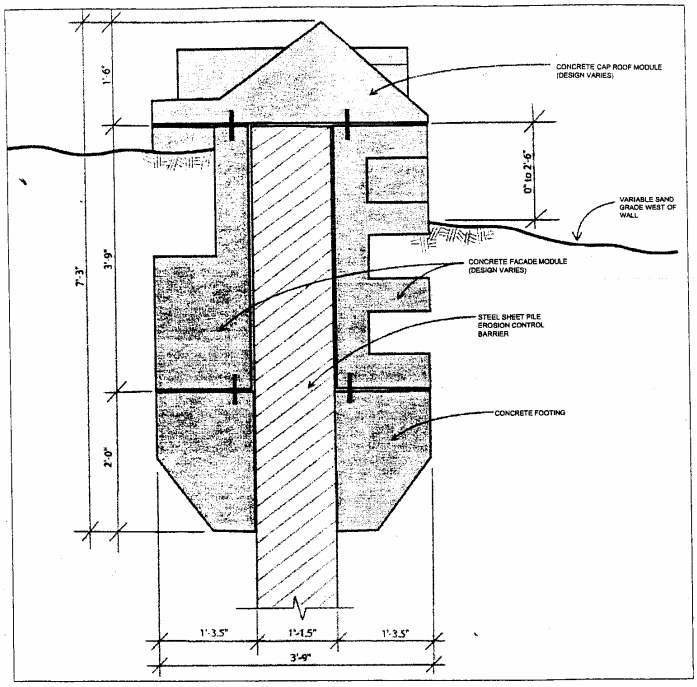


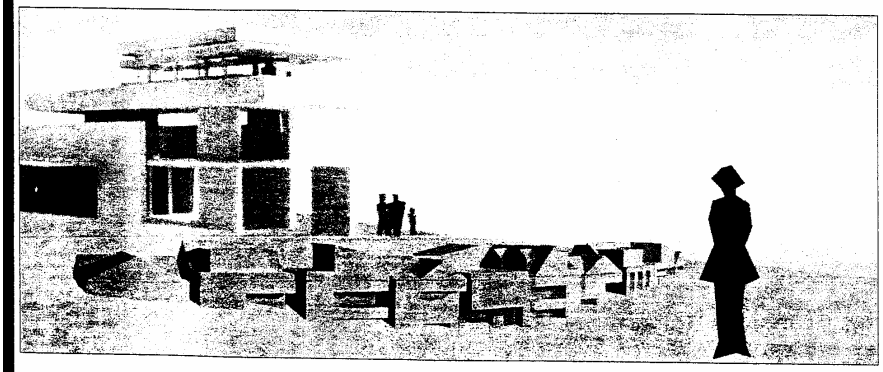
EXHIBIT NO. 7
APPLICATION NO.
6-05-17
X-Section of Buried Seawall
California Coastal Commission



1 PLAN
1/4" = 1'-0"



2 SECTION
1" = 1'-0"



3 RENDERING
NTS

EXHIBIT NO. 8
APPLICATION NO.
6-05-17
Architectural Rendering of Proposed Concrete Cap On Top of Bulkhead Seawall
California Coastal Commission

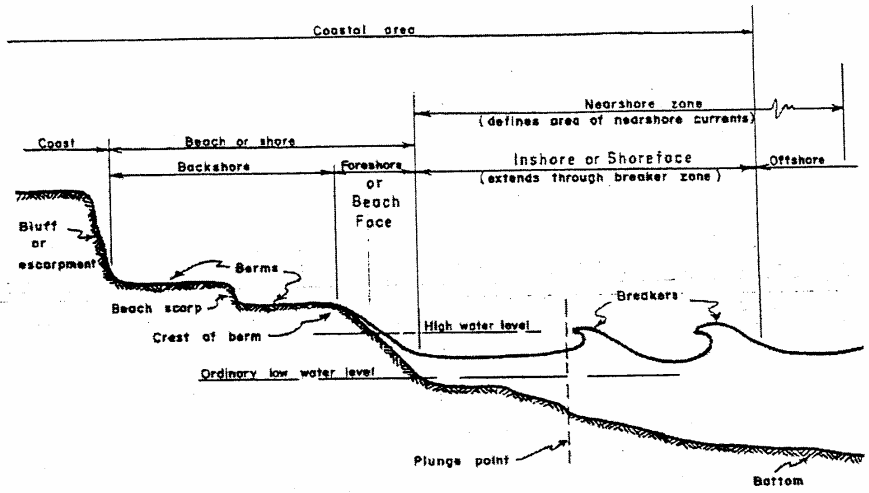


EXHIBIT NO. 9
APPLICATION NO.
6-05-17
1984 ACOE Shore Protection Manual Exhibit of Backshore/Foreshore /Beach Face

California Coastal Commission