

CALIFORNIA COASTAL COMMISSION

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W12a

Addendum

October 2, 2014

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W12a**, Coastal Commission Permit Application No. **6-13-1359 (San Diego Mission Beach boardwalk repairs)**, for the Commission Meeting of Wednesday, October 8, 2014.

Staff recommends the following changes be made to the above-referenced staff report; language to be added is underlined and language to be deleted is shown in ~~strike through~~:

1. All references to “860 linear feet” and “three concrete access ramps” shall be corrected to “1,760 linear feet” and “four concrete access ramps.”
2. On Page 14 of the staff report, the third full paragraph will be modified as follows:

Although the proposed boardwalk improvements, particularly the ramp improvements to the stairways, go beyond what would typically be deemed repair and maintenance, the 1,500-foot long project site is still a small segment of the entire 2.3-mile long public accessway. At this point, the scale and magnitude of the proposed improvements do not constitute demolition and replacement of this pre-coastal public accessway. ~~It is not replacing more than fifty percent of the entire boardwalk, t~~ There are no structural components being worked on save for the 5-foot pilings being added for three new access ramps, and this work is necessary to continue to protect the boardwalk, an existing, lower-cost public amenity that has been highly used by the public for decades. However, it should be noted that the engineering studies for the boardwalk improvements divided the boardwalk into five “phases,” and that the City may come back to the Commission at some point in the future regarding implementation of those future phases.

CALIFORNIA COASTAL COMMISSION

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W12a

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Staff: A. Llerandi-SD
Staff Report: 9/25/14
Hearing Date: 10/8-10/14

STAFF REPORT: REGULAR CALENDAR

Application No.: 6-13-1359

Applicant: City of San Diego

Agent: William Meredith

Location: 3146 Mission Boulevard, Mission Beach, San Diego, San Diego County (APN No. 760-217-07)

Project Description: Replace in-kind approximately 860 linear feet of existing parapets, pile caps, and related damaged portions of the Mission Beach Boardwalk, and installing three concrete access ramps within existing concrete pop-outs.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of this project, with conditions. The proposed project is to replace in-kind approximately 860 linear feet of existing parapets, pile caps, and related damaged portions of the Mission Beach Boardwalk, and installing three concrete access ramps within existing concrete pop-outs granting access from the boardwalk to the beach. The boardwalk is a pre-coastal structure that serves as a popular thoroughfare, especially during the summer, and is utilized by pedestrians, bicyclists, skateboarders, and others, adjacent to the historic Belmont Park, a visitor-serving beachfront amenity which contains multiple stores, restaurants, and rides. While minor repair and maintenance has been conducted on the boardwalk over the years, the boardwalk is decades old and

portions are seriously degraded due to time, waves, and the elements. The proposed improvements are intended to maintain and protect this well-used, lower-cost public recreational feature, as well as make limited enhancements for ADA accessibility.

The proposed development raises various issues related to coastal resources. The presence of workers and equipment in such a densely populated, popular beach area could impact public access by occupying public parking spaces for storage or blocking public right-of-ways to and along the beach, especially during the summer months when beach use is at its peak. As conditioned, no work can occur during the peak summer season. However, as proposed by the City, the project would close the entire boardwalk and reroute pedestrian traffic from the beachfront to Mission Boulevard to the east during the construction period, which is expected to take five months (120 work days). Closing this substantial segment of boardwalk would have significant impact on the public's ability to utilize a unique community feature and traverse this stretch of coastline, even during the off-peak season. Therefore, special conditions require that the City maintain pedestrian traffic through the project area at all times and only work on small segments of the boardwalk necessary to implement the improvements being directly worked upon at the given time.

Visual resources related to community character could be impacted due to work being done on a substantial stretch of a popular boardwalk that dates from the 1920's. In addition, because of the boardwalk's beachfront location, adverse impacts to the water quality of the nearby ocean or to the boardwalk from future storm events and sea level rise could result. To minimize the aforementioned possible impacts, recommended conditions include requirements to not conduct any development during the peak summer months, to submit final plans that demonstrate that the boardwalk's improvements will not encroach beyond its existing footprint and that require the applicant to implement appropriate water quality BMPs to avoid adverse impacts to the nearby ocean. Conditions also require that the applicant recognize and accept that the project site presents risks of flooding.

Commission staff recommends **approval of** coastal development permit application 6-13-1359, as conditioned.

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EXHIBITS

Exhibit 1 – Location Map

Exhibit 2 – Aerial View

Exhibit 3 – Site Plan

Exhibit 4 – Elevation

Exhibit 5 – Site Photo

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 6-13-1359 pursuant to staff recommendation.*

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:

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

This permit is granted subject to the following 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 applicant 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 of 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. **Final Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final project plans. Said plans shall first be approved by the City of San Diego and be in substantial conformance with the plans dated November 27, 2013, and submitted by the City of San Diego on December 10, 2013.

The applicant 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. **Staging, Storage, and Public Access Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT applicant shall submit to the Executive Director for review and approval a final staging and storage plan that shall include the following:
 - a. No construction work shall occur on the beach or boardwalk between Memorial Day weekend and Labor Day of any year. However, the applicant may undertake construction during this period upon obtaining a written statement of the Executive Director authorizing construction on specified dates. To obtain such a determination, the applicant must submit information documenting that construction on the specified dates proposed will not cause adverse impacts on public access.
 - b. At least fifty percent of the width of the boardwalk shall be maintained open for public traffic throughout the construction period.
 - c. Overnight storage or staging areas shall not be permitted on public beaches, within public beach parking lots, within the section of the boardwalk available for public access, or in any other location that would otherwise restrict public access to the beach at any time, with the exception of a 2,500 square foot area (10 parking space maximum) located in the southeastern corner of the Belmont Park south parking lot, which may be utilized only by the applicant. The staging and storage site shall be removed and/or restored immediately following completion of the development.
 - d. Immediately upon completion of construction and/or when the staging site is no longer needed, the site shall be returned to its preconstruction state.

- e. The applicant shall submit evidence that the approved staging and storage plans/notes have been incorporated into construction bid documents.

The applicant 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 change to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

- 3. **Construction Pollution Prevention Plan (CPPP).** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for the review and approval of the Executive Director, two (2) sets of a Construction Pollution Prevention Plan (CPPP) prepared and signed by licensed engineer that, at a minimum, includes the following:

- i. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall include:
 - 1. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
 - 2. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
 - 3. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters or storm drains;
 - 4. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters;
 - 5. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
 - 6. If turbid conditions are generated during construction, a silt curtain will be utilized to control turbidity;

7. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;
8. Non-buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
9. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
10. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
11. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the 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 unless the Executive Director determines that no amendment or new permit is legally required;
12. All construction materials stockpiled on site, excluding lumber, shall be covered and enclosed on all sides to ensure that the materials are not discharged to a storm drain inlet or receiving waters;
13. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. If thinners, petroleum products or solvents must be used on site, they shall be properly recycled or disposed after use and not be discharged into storm drains, sewers, receiving waters or onto the unpaved ground;
14. The discharge of any hazardous materials into any receiving waters shall be prohibited;
15. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures 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 designated area shall be equipped with spill control materials and located to minimize the risk of spills reaching receiving waters, storm drains, sewers or unpaved ground;
16. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and

17. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

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

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

- i. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves and flooding; (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.
- ii. **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 include 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.
- iii. **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

A. PROJECT DESCRIPTION/HISTORY.

The proposed project is to replace in-kind approximately 860 linear feet of existing parapets, pile caps, and related damaged portions of the Mission Beach Boardwalk, and install three concrete access ramps within existing pop-outs granting access from the boardwalk to the beach at 3146 Mission Boulevard, next to Belmont Park in the Mission Beach community of San Diego. The work shall consist of filling voids under the boardwalk with fill or grout, repairing exposed rebar and filling in cracks, or demolishing parapet railings and replacing them in kind.

The approximately 47,500 square foot project site consists of the boardwalk running along the western boundary of Belmont Park, bordering the beach. The project site contains an existing concrete boardwalk with parapet railings, light posts, and pop-out landings with stair access to the sandy beach. The boardwalk continues north and south from the project site along the entire length of the Mission Beach peninsula. The adjacent Belmont Park is a historic priority visitor serving amenity, providing retail shopping, dining, and amusement rides in a convenient beachfront location.

Starting in 1999, the Commission approved a series of CDPs authorizing the City of San Diego to remove unpermitted private encroachments from private residences adjacent to the boardwalk right-of-way and widen the boardwalk to its legal prescribed dimensions (CDP Nos. 6-99-090, 6-00-001, 6-00-123, 6-01-029, 6-01-029-A1). The City of San Diego in turn removed encroachments and widened the boardwalk from the southern boundary of Belmont Park northward to just a few blocks short of the border of Mission Beach. However, due to lack of funding, the City of San Diego did not conduct any widening south of Belmont Park, and today this stretch of boardwalk, from the southern boundary of Belmont Park all the way to the southern tip of the peninsula, is still in its original narrower state.

While work of various kinds has been conducted on the boardwalk over the years, many of the components of this section of boardwalk are decades old and either missing or seriously degraded due to time, waves, and the elements. Mission Beach Boardwalk is currently open to the public, and the improvements are intended to improve and maintain the facility to ensure safe public recreation and access are maintained.

The project site is located in an area of original jurisdiction of the Coastal Commission, as such, the standard of review for the proposed development is Chapter 3 of the Coastal Act, with the City of San Diego's certified LCP used as guidance.

B. PUBLIC ACCESS.

The following Coastal Act policies are most pertinent to this issue, and state in part:

Section 30210 of the Coastal Act states:

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 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states, in part:

- (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, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

[...]

- (c) *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

[...]

Section 30604 of the Coastal Act states, in part:

[...]

- (c) *Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any*

body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The project site is the Mission Beach Boardwalk, located along the beach on the western boundary of Belmont Park (the Mission Beach Boardwalk itself is also referred to, for address purposes, as Ocean Front Walk). The project site is located between the sea and first public roadway, where maintaining public access to the municipal beaches is of greatest concern. The boardwalk is a pre-coastal structure that serves as a popular thoroughfare, especially during the summer, and is frequented by pedestrians, bicyclists, skateboarders, and others. The flat parking lot and grassy park area adjacent to the project site serves as view corridors and access ways for the public to view and reach the aforementioned beach and boardwalk. The adjacent Belmont Park is a historic priority visitor serving amenity in a beachfront location. It provides retail shopping, restaurants, and amusement rides in a scenic beachfront location that is highly popular with both visitors and locals.

As conditioned, the City will maintain public access on the boardwalk at all times during construction. In addition, the City will utilize up to approximately 2,500 square feet in the southeast corner of the Belmont Park south parking lot for staging and storage of equipment. Although this staging area would impact 10 public parking areas in a beach area with a severe parking shortage, the City will limit all work that it performs to outside the peak summer season (Memorial Day weekend to Labor Day). Many of the residential units in Mission Beach are occupied by summer renters who frequently have more vehicles than can be accommodated on the residential site, and thus occupy public parking spaces in the summer. However, the demand for parking in Mission Beach drops considerably in the non-summer season. Thus, temporarily usurping 10 parking spaces during the off-season is not expected to significantly impede the public's ability to access the beach. Allowing limited use of the Belmont Park south lot is consistent with past boardwalk improvement projects approved by the Commission (CDP Nos. 6-99-090, 6-00-001, 6-00-123, 6-01-029, 6-01-029-A1).

Implementation of the proposed improvements will be done in phases over time, and will require the closure of various portions of the boardwalk for safety and security reasons. The majority of the improvements will be occurring on the boardwalk itself. At no time will the entire boardwalk be closed, and the closures will not last longer than is necessary to implement the approved improvements. Delineated corridors for the public will be erected to allow continued pass-through while work is commencing.

It is important to include here that the proposed development will improve public access/recreational opportunities. Analysis submitted by the applicants has indicated that many components have degraded or washed away. The proposed improvements are necessary to ameliorate the situation and prevent it from worsening into a public safety hazard. The project will improve the longevity of the boardwalk by reinforcing or replacing worn components. In addition, the City will modify three of the existing stairway access pop-outs that grant access from

the boardwalk to the beach so as to incorporate concrete access ramps within their footprint.

To mitigate possible impacts to public access, **Special Condition Nos. 1** requires the applicant to adhere final site plans that conform to those approved by the Commission. **Special Condition No. 2** requires the applicant to adhere to a construction staging and access plan approved by the Commission that avoids interfering with public access to the beach and remainder of the boardwalk.

In summary, the Commission finds the proposed project will not result in adverse impacts to coastal access. Construction staging and access will be confined to a minimally-impactful area located as far away from public amenities as feasible while still serving the City's efforts. Furthermore, the approved work will be prohibited during the popular summer tourist season. The proposed improvements will enhance the quality of the boardwalk while making the beach more accessible for all visitors, including new wheelchair access. Therefore, the Commission finds that public access and concerns associated with the development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the applicable Chapter 3 policies of the Coastal Act.

C. COMMUNITY CHARACTER/VISUAL QUALITY

Section 30251 of the Act addresses community character and states, in part:

The scenic and visual qualities of the 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 land forms, to be visually compatible with the character of the surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

[...]

The Mission Beach Boardwalk runs north-south along the beach and serves not only as a highly popular public access way but also serves as a public view corridor along the shoreline.

The Mission Beach Boardwalk is recognized in the certified Local Coastal Program as an important public view corridor and a defining feature of Mission Beach. The low-lying design of the boardwalk allows scenic vistas to be enjoyed by pedestrians traveling along its length. The City will be improving the boardwalk segments in-kind, with no increases in structure height or bulk that would encroach into the public views of the ocean, though they will be installing new concrete access ramps within the existing footprints of some of the concrete pop-outs that grant access down to the sand.

Another concern raised by the proposed project is impact to the design and character of a notable local structure and amenity. The boardwalk is a pre-coastal structure that dates from the 1920's, and has long been a defining feature of the Mission Beach community. In recognition of the long history of the boardwalk and the long service life of its proposed improvements, the City will be emulating and preserving the architecture and design aesthetic of the boardwalk, so no adverse impacts to the character of the boardwalk are anticipated.

However, to ensure the project conforms to the submitted draft plans, **Special Condition No. 1** requires the applicant to adhere to final, approved plans consistent with draft plans.

In summary, the Commission finds that the proposed improvements will not result in development substantially out of character with the surrounding community. The boardwalk will maintain its historic aesthetic and will not grow in bulk and scale. Therefore, the Commission finds the proposed development, as conditioned, consistent with Chapter 3 of the Coastal Act.

D. HAZARDS

Section 30235 of the Coastal Act states:

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 sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253 of the Coastal Act states, in part, that new development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Coastal Act Sections 30235 and 30253 acknowledge that seawalls, revetments, cliff retaining walls, groins, and other such structural or "hard" methods designed to forestall erosion can alter natural landforms along the bluffs and cliffs and can impact natural shoreline processes. Accordingly, with the exception of coastal dependent uses, Section 30235 limits the construction of shoreline protective works to those required to protect existing structures or public beaches in danger from erosion. The Coastal Act provides these limitations because shoreline structures can have a variety of adverse impacts on coastal resources, including adverse impacts on sand supply, public access, coastal views,

natural landforms, and overall shoreline beach dynamics on and off site, including ultimately resulting in the loss of beach.

The Mission Beach Boardwalk is an approximately 2.3-mile public shoreline accessway consisting of a 20-foot wide sidewalk bordered on the seaward side by a concrete parapet with periodic pop-outs for beach accessway stairways. The parapets are constructed above a sheetpile seawall that extends approximately 20 feet down into the sand. During the summer months, sand typically covers most of the seaward side of the seawall; in the winter, more of the seawall is exposed, and during extreme storm events, waves have overtopped the parapet.

The proposed project consists of replacing in-kind the concrete parapets and similar above-grade components, and filling in cracked or undermined portions of the at-grade boardwalk with dirt fill or grout. No work to the structural foundation of the boardwalk or existing sheetpile portion of the structure is proposed with the exception modifications to create three new Americans With Disabilities Act (ADA) access ramps at the location of three of the existing concrete pop-outs. At these locations, the seaward half of the stairway will be converted to ramps, with new railings installed along the length of the ramps. This will require demolition and reconstruction of the walls on the seaward side of the staircase (but not the below-grade portion of the sheetpile), and insertion of 5-foot long piers below grade so as to support the ramps and related handrails.

Although the proposed boardwalk improvements, particularly the ramp improvements to the stairways, go beyond what would typically be deemed repair and maintenance, the 1,500-foot long project site is still a small segment of the entire 2.3-mile long public accessway. At this point, the scale and magnitude of the proposed improvements do not constitute demolition and replacement of this pre-coastal public accessway. It is not replacing more than fifty percent of the entire boardwalk, there are no structural components being worked on save for the 5-foot pilings being added for three new access ramps, and this work is necessary to continue to protect the boardwalk, an existing, lower-cost public amenity that has been highly used by the public for decades. However, it should be noted that the engineering studies for the boardwalk improvements divided the boardwalk into five “phases,” and that the City may come back to the Commission at some point in the future regarding implementation of those future phases.

Nevertheless, whenever work is proposed to shoreline protective devices, the Commission must assess whether the shoreline altering construction is required to protect the existing structure in danger from erosion, whether the development would alter natural landforms and processes along the bluffs, cliffs, and beaches, and if the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

On the subject site, the inland side of the boardwalk consists entirely of public property, including the Belmont Park amusement park, a grassy public park, and public parking lots. The seawall side of the boardwalk protects the boardwalk itself, as well as reducing the risk to the structures inland of the boardwalk from flooding from overtopping waves. Thus, the existing seawall is required to protect the existing public improvements inland

of the wall; largely the boardwalk itself. However, the proposed work has not been designed to reinforce or modify the shoreline protection component of the boardwalk.

According to the above-referenced engineering study, the below-grade sheetpile wall is in good condition, and no repair work is required or proposed at this time. The existing parapets to be replaced in-kind are structurally independent from the existing sheetpile, and the work will not have any significant effect on the protective function of the existing wall. Were the proposed project not implemented, the existing seawall would continue to function as it is. Rather, the proposed improvements are entirely related to the maintenance and improvement of public access features – that is, the at-grade sidewalk and stairway. The proposed improvements are designed to extend the life of the boardwalk, but will not have any effect on the existing pre-coastal shoreline protection.

Unlike a shoreline protection device on a bluff, the boardwalk has relatively little impact on the ability of the sandy material to contribute to the littoral cell. The existing structure does prevent the shoreline from eroding further inland; however, nothing in the proposed project will alter that. The proposed improvements will not extend any further onto the beach than the existing structure; all work will be done within the existing footprint of the boardwalk, all above the existing foundation (with the exception of the proposed piers under the new ADA ramps). Sand supply at the subject site is regularly replenished by the City from material dredged from Mission Bay, and nothing in the proposed project will have any impact on that process. Were the project actually removing and replacing the existing seawall, it would be important to address how the new structure would impact sand supply. However, the proposed improvements are minor in scope, will both maintain and protect the existing public boardwalk at the site and create new ADA access, and will not result in any adverse impacts to shoreline sand supply.

Section 30253 of the Coastal Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property. The Mission Beach Boardwalk, like all boardwalks along the California coast, is subject to a variety of hazardous conditions, including high waves and storm events. In addition, sea level change associated with global warming has become one of the foremost concerns for all coastal communities; structures located adjacent to or within the current MHTL are of particular concern.

In response to Commission staff inquiries, the City submitted a coastal engineering study entitled “Coastal Hazards Study” by the engineering firm Michael Baker International, Inc., dated August 7, 2014. The study analyzed the past fifty years of sea conditions at the project site and projected sea conditions for the upcoming fifty years (the projected service life of the proposed improvements) under two scenarios based on the Coastal Commission’s Draft Sea Level Rise Guidance Document: a best-case scenario of seven inches of sea level rise and a worst-case scenario of thirty-five inches of sea level rise.

The hazard study indicated that in the past fifty years, the boardwalk has experienced two major events of waves overtopping the boardwalk. In the best-case scenario, the hazard study indicates that this frequency would remain unchanged, and that the boardwalk would likely experience two more major overtopping events over the upcoming fifty

years (though the volume of water overtopping will probably increase). In the worst-case scenario, the hazard study indicates that an overtopping event will eventually occur on an almost-annual basis. In either scenario, the hazard study concluded that damage to the boardwalk would be minimal or unlikely. Furthermore, the hazard study noted that the City of San Diego already provides policies for implementation of the Disaster Preparedness Emergency Plan, which addresses specific community evacuation and safety measures. The Fire-Rescue Department Lifeguard Services Division Manual of Policies and Procedures also documents that closure and evacuation procedures that the City implements to protect public health and safety during such events.

The applicant supplied engineering surveys from the engineering firm Harris & Associates entitled “Mission Beach Seawall and Boardwalk Integrity Study” dated April 20, 2012, detailing the extent and nature of repairs needed to remedy the deteriorating condition of the boardwalk and increase public safety. The survey noted that while the boardwalk as a whole was still in serviceable condition, cracking and ponding of water are contributing to voids under segments of the boardwalk. The survey calls for repairing multiple parapets, caps, and floor segments, while other portions of the boardwalk would be reinforced. The proposed work consists of improvements that will not constitute an expansion of the boardwalk or its support structure. The only segment of the proposed improvements that will constitute new development is the installation of concrete access ramps within the footprint of existing pop outs, which will require the use of 5-foot piers with railings to provide structural support. Both studies were reviewed by the Commission’s coastal engineer, who concurs with the conclusions contained therein. Thus, as proposed to be improved, the boardwalk will minimize risks to life and property, and assure stability and structural integrity throughout its expected life.

However, due to the inherent risk of shoreline development, **Special Condition No. 4** requires the applicants to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. Thus, as conditioned, the project can be found consistent with Sections 30235 and 30253 of the Coastal Act.

E. WATER QUALITY

Section 30230 of the Coastal Act states:

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 of the Coastal Act states:

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 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. In addition, Section 30231 requires that the biological productivity and quality of coastal waters be maintained. The proposed project includes improving various segments of the Mission Beach Boardwalk near open water.

The proposed project involves replacing in-kind the parapets, caps, and other segments of the Mission Beach Boardwalk. Runoff from the impervious surfaces will be directed to the west to the beach through openings in the parapet wall that borders the seaward side of the boardwalk. Because the improvements will be within the existing boardwalk footprint, it will not result in a substantial increase in impervious surfaces. Furthermore, relative to the water quality, the public boardwalk does not collect the types of pollutants that would normally be associated with a public roadway, such as automotive chemicals, for example. It is a recreational walkway used by pedestrians, bicyclists, roller bladers, and skateboarders. As such, there are little, if any, chemicals or pollutants that would be discharged onto the beach.

However, the proposed project may result in potential adverse effects to surrounding water quality due to disturbance from construction equipment, materials, and/or debris. Construction activities associated with the proposed project could result in the generation of debris and/or presence of equipment, materials, and hazardous substances such as lubricants or oil that could be subject to run-off and wind dispersion into the marine environment. The presence of construction equipment, building materials, and debris on the subject site could pose water impacts through introduction of particulates and pollutants if construction site materials were discharged into the marine environment or left inappropriately on the project site. In addition, such potential discharges and disturbances to the marine environment could result in adverse effects to offshore habitat from increased turbidity of coastal waters. The proposed work will require use of machinery and vehicles, while demolishing material near the water.

To protect marine resources and coastal water quality and to ensure that construction related adverse effects to the marine environment are minimized, **Special Condition No. 3** requires the applicant to incorporate and comply with a multi-faceted pollution prevention plan for the duration of the proposed work to ensure that impacts to the beach's water quality are minimized. Required measures to protect water quality include, but are not limited to, prohibition on storage of equipment of materials where it would be subject to wave action, prompt removal of all debris, implementation of BMPs to capture

and filter any runoff, and moving all maintenance and fueling work away from the beach and water.

In conclusion, as conditioned, the proposed development does not raise any concerns regarding water quality impacts associated with construction activities. Therefore, the project be found consistent with Sections 30230 and 30231 of the Coastal Act.

F. LOCAL COASTAL PLANNING

The City of San Diego has a certified LCP and issues permits for development in its area of jurisdiction. However, the subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As discussed above, as conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act as well as with the certified LCP which the Commission uses as guidance in this area. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Mission Beach community.

G. 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 Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing construction staging and access as well as water quality BMPs 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.



Project Site

2109

1
2
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SEE 1268 MAP

RAND McNALLY

EXHIBIT NO. 1
 APPLICATION NO.
6-13-1359
 Location Map



Google earth



500

1000

feet
meters

earth

EXHIBIT NO. 2
APPLICATION NO.
6-13-1359
Aerial View

41. Ventura Place/Mission Bay Drive to San Fernando Place

