

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: AMENDMENT REQUEST

Application No.: 6-01-172-A1

Applicant: City of San Diego

Agent: Jeff Manchester

Location: North Torrey Pines & McGonigle Road, San Diego,
San Diego County (APN No. 301-130-01)

**Description of Original
Permit Approval 6-01-172:** Demolition and reconstruction/widening of the
existing, two-lane, North Torrey Pines Road Bridge
over Los Penasquitos Creek (southern bridge) to a
three-lane bridge with two northbound lanes and
one southbound lane; improvements to North
Torrey Pines Road for the necessary road transitions
north and south of the bridge, improved, accessible
bus stops and access paths north of the bridge;
mitigation/revegetation for project impacts to
sensitive biological resources.

Proposed Amendment: Construct a 6.5-foot long, 81 square foot concrete
access ramp on sandy beach at the end of an
existing public beach access ramp under North
Torrey Pines Road; re-grade adjacent portions of
the existing sidewalk; re-stack existing rip rap
adjacent to sidewalk opening up approximately 500
square feet of sandy beach.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of this project, with conditions. The proposed project is to construct a 6.5-foot long, 81 square foot concrete access ramp at the end of an existing public beach access under North Torrey Pines Road, as well as regrade adjacent portions of the existing sidewalk and re-stack rip rap adjacent to the sidewalk to open up approximately 500 square feet of sandy beach. The project location is an existing public sidewalk leading to the beach adjacent to the mouth of the Penasquitos Creek under North Torrey Pines Road within Torrey Pines State Beach, in the City of San Diego.

The proposed project gives rise to issues regarding public access, water quality, and flood hazard. Public access issues arise because the project proposes to expand the developed footprint of the existing sidewalk seaward, covering 81 square feet of sandy beach. However, this is the smallest amount that could be covered in a feasible manner while still meeting ADA requirements. Furthermore, the City is re-stacking adjacent rip rap to open up approximately 500 square feet of sandy beach. Secondly, the construction activity necessary to construct the proposed ramp could interfere with the public's ability to access the beach area by blocking access or occupying public parking. However, the City is planning to conduct the work during the wintertime, when sand levels and public use are lowest. Third, water quality issues arise because the project site is located adjacent to the intersection of the Los Penasquitos Creek and Pacific Ocean, and the construction activities could introduce pollutants into coastal waters. Yet the use of the proposed ramp - pedestrian access with occasional emergency vehicle access - does not produce the type of pollutants that pose severe risks of adverse water quality impacts.

This permit has been conditioned to mitigate the foreseeable adverse impacts to coastal resources. A special condition will require the applicant to adhere to approved plans that set a maximum limit on any seaward encroachment of the final ramp. To further protect public access, a special condition will require the applicant to adhere to an approved construction staging, storage, and access plan to avoid occupying public space with construction equipment. A special condition requiring long term maintenance of the re-stacked revetment will prevent migration of the rip rap from occupying the newly opened sandy beach area. The applicant will be required to adhere to a construction pollution prevention plan so as to ensure the proper Best Management Practices (BMPs) are implemented to protect the water quality of the nearby creek and ocean. Finally, because of the location of the project site adjacent to both a creek and an ocean, a special condition requires that the applicant recognize and accept the risks from flooding and wave action. With these conditions, impacts on coastal resources will be minimized or eliminated, consistent with Chapter 3 policies of the Coastal Act.

Commission staff recommends **approval of** coastal development permit amendment 6-01-172-A1, as conditioned.

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EXHIBITS

- Exhibit 1 – Location Map
- Exhibit 2 – Aerial View
- Exhibit 3 – Site Photo
- Exhibit 4 – Comparative Elevations
- Exhibit 5 – Site Plan

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit No. 6-01-172 pursuant to staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit amendment 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 the coastal development permit amendment on grounds that the development as amended subject to conditions will be in conformity with Chapter 3 policies of the Coastal Act. Approval of the permit amendment 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.

PROCEDURAL NOTE:

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1. The Executive Director determines that the proposed amendment is a material change,
2. Objection is made to the Executive Director's determination of immateriality, or
3. The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change to the previously approved project. If the applicant object or so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [Title 14 California Code of Regulations, section 13166]

II. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. **Revised 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 submitted by the City of San Diego on September 23, 2014, except that they shall be revised as follows:
 - a. The plans shall contain a note clearly stating that any seaward encroachment of the proposed access ramp shall not exceed 6.5 linear feet as measured from the seaward end of the existing sidewalk.
 - b. The plans shall contain a note clearly stating that any re-stacked rip rap will be placed as far landward as is feasible so as to maximize exposed sandy beach.

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 sidewalk 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. The existing sidewalk shall remain open to two-way pedestrian traffic throughout the construction period, or, if not feasible, redirect pedestrian traffic through the shortest detour available for the shortest period of time feasible.
 - 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 southwestern corner of the adjacent

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:

- a. 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

a. 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.

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 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.

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.

5. **Maintenance Activity/Future Alterations.** The permitted work on the revetment and sidewalk shall be inspected at the end of each rainy season and before Memorial Day weekend each year. Any debris, rock, or materials which have become dislodged through weathering or wave action and impair public access or use of the sandy beach area shall be removed or restacked. Any change in the design of the revetment or future addition to or reinforcement of the rip rap revetment, other than exempt maintenance as defined in Section 13252 of the California Code of Regulations, will require a coastal development permit. However, in all cases, if after inspection it is apparent repair or maintenance is necessary, the applicant should contact the Commission office to determine whether permits are necessary.

III. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/HISTORY.

The proposed amendment is related to Coastal Development Permit (CDP) No. 6-01-172, which permitted the City of San Diego to replace the existing southern North Torrey Pines Road bridge crossing over the mouth of Los Penasquitos Creek. The CDP also approved related highway improvements for the transition areas north and south of the bridge, including three retaining walls, bus turnouts to increase public safety, and beach access paths designed for the disabled community, revegetation of temporarily disturbed areas, and consolidation and augmentation of the existing riprap protection at the bridge abutments.

With this current amendment, the City of San Diego is now proposing to construct a 6.5-foot long, 81 square foot concrete extension to the existing access ramp on the sandy beach at the end of an existing public sidewalk under North Torrey Pines Road, as well as regrade adjacent portions of the existing sidewalk. As part of the project, the City would re-stack a portion of a rock revetment on the north side of the ramp that has deteriorated and rolled out on the beach, thereby opening up approximately 500 square feet of sandy beach area. The amendment proposal amends the underlying CDP because it affects and ties into the public access paths that were built on the sides of North Torrey Pines Road as part of the original bridge widening. The project location is an existing public sidewalk adjacent to the mouth of the Penasquitos Creek under North Torrey Pines Road within Torrey Pines State Beach, in the City of San Diego.

The 12-foot wide concrete sidewalk currently passes underneath North Torrey Pines Road, between the highway bridge abutment and the north side of the channel of Penasquitos Creek, at the mouth of Los Penasquitos Lagoon. The sand level at the seaward end of the existing ramp, which is used by both pedestrians and State Parks emergency vehicles, experiences wide swings in elevation over the course of the year due to wave action and storm events, creating periodic gaps between the existing ramp and the sand and impeding beach access for pedestrians, wheelchairs, and emergency vehicles.

The adjacent north parking lot for Torrey Pines State Beach is located on the south side of Carmel Valley Road, inland of North Torrey Pines Road. There are two existing public access walkways leading from the parking lot to the shoreline. In the northern portion of the parking lot, a paved path leads westward under the northern North Torrey Pines Road bridge, which crosses the railroad tracks. The subject sidewalk to be worked on is located at the southern end of the parking lot, and leads westward under the southern North Torrey Pines Road bridge, which crosses over Los Penasquitos Creek. In the past, the northern accessway has been periodically closed by the North County Transit District (NCTD), which operates the railroad, and the City of San Diego, which owns the road right-of-way, due to a perceived public safety concern or because of unrelated improvements to the northern bridge on this stretch of North Torrey Pines Road. Because of potential issues of unavailability of the northern access route, the maintenance of the southern access is all the more important.

The parking lot, including the sidewalk, was built in the mid-1960s. The original construction included a riprap revetment supporting the paved sidewalk, which wrapped around the seaward end of the pavement and continued east/southeast along the side of the sidewalk and the southern edge of the parking lot. Since construction, the Coastal Commission has addressed the public sidewalk under North Torrey Pines Road in two past permits.

In CDP 6-99-014, the Coastal Commission permitted California State Parks to repair this sidewalk by replacing sections of the sidewalk with new concrete, grouting under the remaining sections, adding 200 cubic yards of rip rap reinforcement around the sidewalk, and retrieving and restacking migrated rip rap so as to grout it into place alongside the accessway.

The other Coastal Commission action regarding this accessway was the underlying permit for this amendment: CDP 6-01-172. The development approved in that permit is described above, though the part that dealt most directly with the existing sidewalk was the construction of the access paths east and west of North Torrey Pines Road and tying them into the sidewalk under the bridge.

The City of San Diego has a fully certified Local Coastal Program (LCP) and issues its own coastal development permits in most areas. The subject site, however, is historic and/or filled tidelands and remains in the Commission's area of original jurisdiction. Thus, Chapter 3 of the Coastal Act is the legal standard of review, and the provisions of the Torrey Pines Community Plan and Land Development Code are used for 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 Torrey Pines State Beach is a popular visitor destination point for local and regional beachgoers. Historically, there has been a relatively wide, sandy, public beach at this northern end of the City of San Diego, varying somewhat season to season. However, due to the location of the existing public sidewalk adjacent to the intersection of the Los Peñasquitos Creek and Pacific Ocean, wave action causes the sand elevation at the project site to fluctuate greatly during the course of the year, creating gaps of up to four feet between the sidewalk and the sand below during the winter storm season. When the elevation difference between the sidewalk and sand level becomes great enough, it can impede beach access for wheelchairs and even emergency vehicles. Because the paved accessway provides access not only for beachgoers but also for State Parks emergency vehicles, the City is concerned that safe-year-round public access to the beach is

provided. The proposed ramp extension is intended to ensure beach access is available both for public and emergency vehicle access year-round.

The City of San Diego's proposal is to construct a 6.5-foot long, 81 square foot concrete extension of the existing access ramp on the sandy beach adjacent to the end of the existing public sidewalk under North Torrey Pines Road. In order to match the grade of the proposed extension to the existing ramp, as well as tie into the two access paths on either side of North Torrey Pines Road, the existing ramp and sidewalk would be re-graded approximately 105 feet inland to ensure conformance with current Americans with Disabilities Act (ADA) standards, which call for an eight percent grade and flat landings at periodic intervals along the length of the sidewalk.

Because the sand level at this project site fluctuates so greatly over the course of the year due to the adjacent ocean and creek, the end of the ramp was designed to terminate at the lowest sand elevation as projected by the Scripps Institute of Oceanography's periodic monitoring of this site. According to the Scripps Institute's monitoring, the lowest sand elevation was observed in 1998 (after a major El Nino event) and was 1.49 meters NAVD88 (which is 2.78 feet NGVD29), with a standard deviation further lowering the elevation to 1.23 meters NAVD88 (which is 1.94 feet NGVD29). The City's engineers designed the ramp's westernmost ending elevation to meet this projected sand level so as to be reasonably certain that even in periodic storm events, it would be likely that beach access would still be present for both wheelchairs and emergency vehicles.

Before selecting the proposed project, the City reviewed a variety of alternative proposals that would improve access at the site. The City's original proposal was to construct a ramp that would have limited the amount of existing sidewalk that would have needed to be re-graded, but would have encroached onto the sandy beach fifteen feet. The City also looked at a "no encroachment" alternative that did not increase the footprint of the existing ramp onto the beach. However, if the lowest sand elevation was to be met at the end of the existing ramp (as opposed to extending the ramp farther onto the beach), it would require a substantially greater landward footprint of the project site, with the City re-grading the sidewalk all the way back to the public showers and bathroom facilities adjacent to the public parking lot east of North Torrey Pines Road. The City indicated that this alternative, because it would require re-grading the existing public shower area, would also require the installation of new hand railings in the location of the showers and the bathrooms that could impede the access of emergency vehicles (as well as more than double the cost of the project). Furthermore, the City's original, smaller proposal is contained within the limits of the Environmental Impact Report (EIR) that was done for the original bridge widening permitted under CDP No. 6-01-172, and thus can be covered by the findings of that report. The City indicated that the greater project footprint of the "no encroachment" alternative extends beyond the landward boundary of the original EIR, and could trigger the need to an amendment to the EIR, if not a whole new EIR, further adding to time and cost. The City also looked at, and in the past has utilized, "soft" alternatives, such as piling sand at the end of the existing ramp, placing sand bags, or utilizing mesh grades. Because of wave action, these temporary measures do not last very long and require frequent maintenance in order to be kept at a state able to service wheelchairs and emergency vehicles.

After reviewing all of the various alternatives with Commission staff, the City determined that the project could be redesigned to reduce the size of the proposed ramp extension by approximately 8.5 linear feet, to only 6.5 feet beyond the existing ramp, which would ensure the ramp will be located at the lowest necessary elevation, while still limiting the amount of grading and reconstruction that would be required to existing upland facilities. The proposed project would result in 81 square feet of new concrete on the beach, as opposed to the 191 square feet originally proposed.

While this proposal still represents a seaward encroachment of the existing sidewalk, the City has worked closely with Commission staff and clearly demonstrated that the proposed project is the least environmentally damaging feasible alternative that meets the goal of providing safe pedestrian, wheelchair, and emergency vehicle access to the beach. The 81 square feet to be occupied by the concrete access ramp is situated at the end of the existing sidewalk, where large numbers of pedestrians, as well as emergency vehicles, traverse. Thus, it is not an area where the public sits or camps out, but is instead a stretch already used to access the remainder of the beach.

Related to the City's construction of the concrete access ramp, the City is also proposing to re-stack the stretch of rip rap revetment adjacent to the north of the proposed ramp. The City will pull back the rip rap landward and restack it so that approximately 500 square feet of sandy beach will be opened up for public use. Because this stretch of beach is close to the intersection of the Pacific Ocean and Los Penasquitos Creek, high tides frequently come up to the existing revetments and precludes the public's use of the sandy beach in the project area (if not their access during especially high tides). Thus, the retrenchment of the revetment by the City will have direct benefits to the public's use of the beach and, coupled with the access improvements arising from the ramp, will make the area even more inviting for public use.

While the design of the project is consistent with Coastal Act's public access policies, a separate public access concern relates to temporary access impacts due to construction. Because construction activities and staging areas can affect public access, **Special Condition No. 2** prohibits construction during the summer months, between Memorial Day weekend and Labor Day. The condition also requires that the use of public parking areas for construction staging or storage be minimized. In past repair work authorized by the Commission, the City had submitted a staging plan which indicated a total of ten parking spaces, out of 549 existing in the parking lot, were required for staging purposes. This allows relatively convenient access for construction while minimizing interference with ongoing public use of the restrooms and sidewalk. Finally, the City plans to conduct the construction work during the winter off-season, when both sand levels and beach use by the public are at their lowest, lessening the potential for adverse impacts to public access. While the Commission acknowledges that some use of sandy beach will be required to construct the project, the final staging and access plan required in the condition should reflect the minimum width necessary to assure an adequate construction corridor and public safety for people recreating on the adjacent beach and assure no equipment is stored on the beach overnight.

Special Condition No. 5 requires that the re-stacked revetment and ramp area be maintained in good condition in the future, to assure ongoing public and emergency vehicle access. The condition requires inspection of the facility once a year, after winter rains but before the summer season. If repair work appears necessary, the condition requires the applicant to contact the Commission to determine if permits are required.

In summary, the Commission finds that the project, which occurs on public beach and parkland, minimizes adverse impacts to the sandy beach while providing and enhancing public access opportunities through the construction of the ramp and restacking of the revetment. To the extent consistent with public safety, vertical access will remain available throughout the construction period; also, lateral access along the shoreline west of the site will be maintained. Therefore, the Coastal Commission finds the proposed development, as conditioned, consistent with the cited Coastal Act access policies, and, since the proposed development is located between the sea and first public road, consistent with all other public access and recreation policies as well, as required in Section 30604(c).

C. 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 constructing a 6.5-foot long, 81 square foot access ramp at the end of an existing public sidewalk – which will be re-graded to ADA standards – under North Torrey Pines Road, as well as re-stacking approximately 500 square feet of adjacent rip rap revetment. Runoff from the existing sidewalk already flows west to the beach, and this will not change with the proposed project. While the project does increase the amount of impervious surface, compared to the amount of existing paved sidewalk under and adjacent to North Torrey Pines Road, it will not result in a substantial increase in impervious surfaces. Furthermore, relative to the water quality, the public sidewalk 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, with emergency vehicle access occurring rarely and even then only for ingress and egress to and from the beach. As such, there are little, if any, chemicals or pollutants that would be discharged onto the beach.

However, construction activities always pose a high risk for water quality impacts because of the grading operations which leave the soils more vulnerable to wind and rain erosion. Oil and gasoline spills may also occur during construction activities because of the heavy machinery used and stored at the site. 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 or 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.

D. FLOOD HAZARD

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.*

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.

Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or “hard” solutions alter natural shoreline processes. Thus, such devices are required to be approved only when necessary to protect existing structures. The Coastal Act does not require the Commission to approve shoreline altering devices to protect vacant land or in conjunction with construction of new development. 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 and designed to avoid the need for protective devices.

In this particular case, the proposal is to construct a 6.5-foot long, 81 square foot access ramp at the end of an existing public accessway under North Torrey Pines Road, as well as restack rip rap revetment adjacent to the ramp to the north so as to open up approximately 500 square feet of sandy beach. The sidewalk and revetment are both pre-coastal. Since that time, much of the riprap has sunk into the sand and/or migrated seaward. The proposed concrete ramp is not a shoreline protective device and, given the lower elevation of the finished design, will most likely allow sand to migrate further landward than already occurs.

The project site is located on the beachfront in an area that has been subject to storm waves. Section 30235 allows for shoreline protective devices only when required to protect existing structures in danger from erosion and when designed to mitigate impacts on shoreline sand supply. The primary issue which has been identified and addressed in the review of proposals for shoreline protective works in other areas with beach-level development (as opposed to bluff top development) has been their location and alignment

more than the question of their necessity. It has been documented for some time that much of the urbanized shoreline has been, and most likely will continue to be, subject to impacts from storm waves. Thus, if properly designed, shoreline protective devices in this area can be found consistent with Section 30235 of the Act.

The proposed project does not involve the addition of any new shoreline protective devices. In this particular case, the City is not importing any new rip rap into the project site, but is actually decreasing the footprint of the existing revetment by restacking is more landward, opening up approximately 500 square feet of sandy beach. Thus, the proposed development will not result in any adverse impacts to shoreline sand supply. The proposed project will assure continued access for the public and lifeguards in this location.

Because the City is proposing to construct the ramp in an area subject to wave and storm hazards, the risk of damage to the structure cannot be eliminated entirely. The Commission finds that in order for the proposed development to be consistent with the Coastal Act, the applicants must assume the risks of damage from flooding and wave action. As such, **Special Condition No. 4** requires the applicant to execute a hold harmless agreement, waiving any liability on the part of the Commission for approving the proposed development. In addition, this condition requires the applicants to indemnify the Commission in the event that third parties bring an action against the Commission as a result of failure of the proposed development to withstand and protect against the hazards. **Special Condition No. 5** requires the City to annually monitor the approved development and promptly conduct required repairs to ameliorate impacts to coastal resources.

In summary, the Commission finds that construction of the proposed access ramp and restacking of the revetment is permissible under Section 30235 of the Coastal Act, there are no new associated impacts on sand supply and beach availability and the project represents the least environmentally-damaging alternative. Special conditions are included addressing construction methods and impacts, future maintenance activities and development in hazardous areas. As conditioned, the Commission finds the proposed access repair consistent with Sections 30235 and 30253 of the Act.

F. LOCAL COASTAL PLANNING

The proposed improvements are located within public parkland and on the public beach. These areas are designated and zoned as Park by the State Parks Department, and identified as Open Space in the certified Torrey Pines Community Plan. The proposed repair and maintenance activity will continue the existing site uses, which provide for public recreation. Thus, the proposed improvements can be found consistent with the designations of the certified land use plan and existing zoning. The shoreline area is within the Commission's retained original permit jurisdiction, such that Chapter 3 of the Coastal Act remains the standard of review. As discussed in previous findings, the project, as conditioned, can be found fully consistent with all applicable Chapter 3 policies. Therefore, the Commission finds the proposed development, as conditioned, will not prejudice the ability of the City of San Diego to continue implementation of its

fully-certified Local Coastal Program for the North City area of the City's coastal zone, which includes the Torrey Pines community.

G. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, 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 found consistent, as conditioned to address public access and water quality concerns, with all applicable policies of the Coastal Act. 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

(G:\San Diego\Reports\Amendments\2000s\6-01-172-A1 North Torrey Pines Road access ramp staff report.doc)

0 0.25 0.5 miles 1:22,800 1 in = 1900 ft.

SEE 1187 MAP

MAP 1207

SAN DIEGO CO.

PROJECT SITE

92121

92037

SEE 1208 MAP

RAND McNALLY

SEE 1227 MAP

EXHIBIT NO. 1
APPLICATION NO.
6-01-172-A1
Location Map

California Coastal Commission

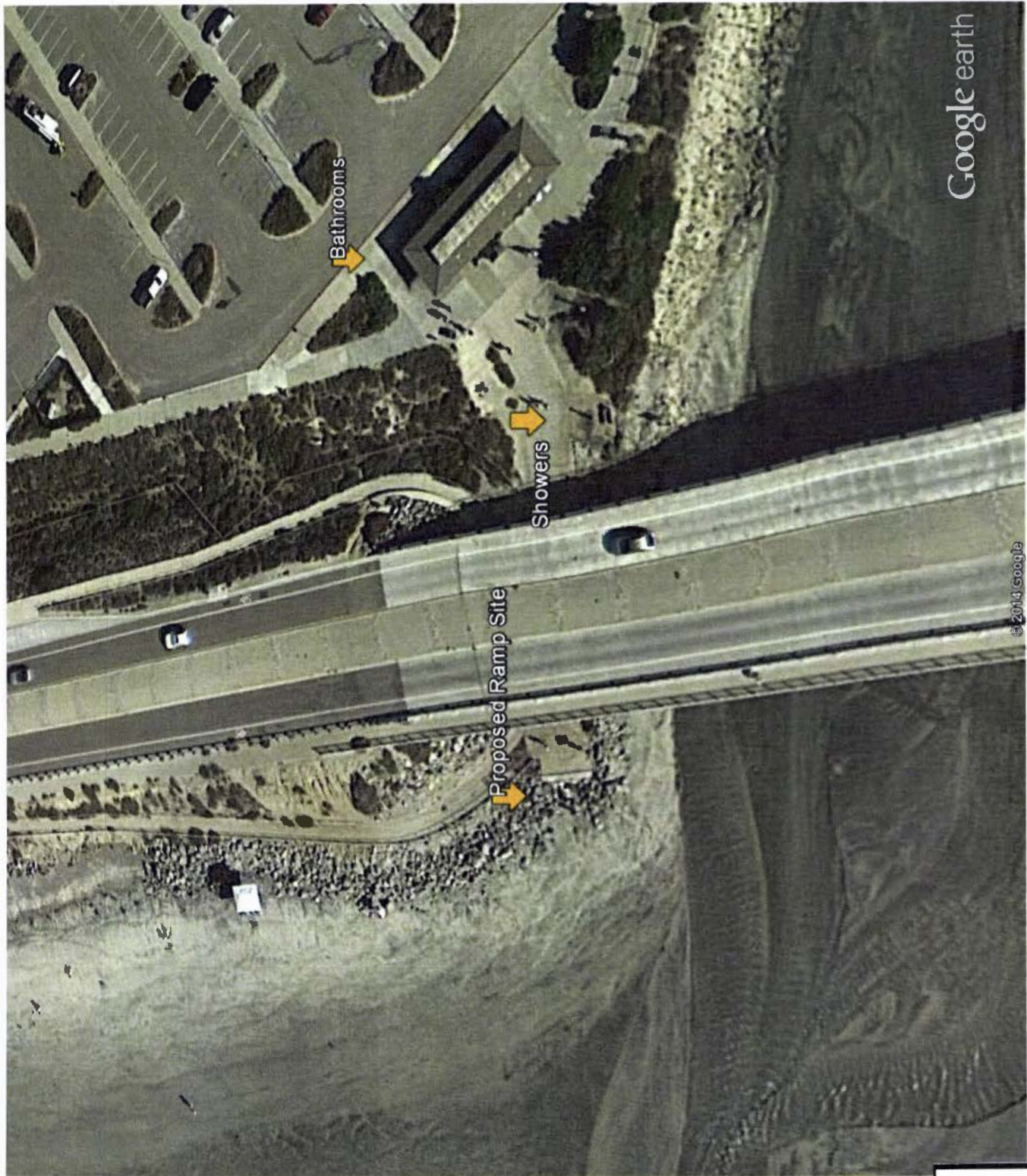


EXHIBIT NO. 2
APPLICATION NO.
6-01-172-A1
Aerial View

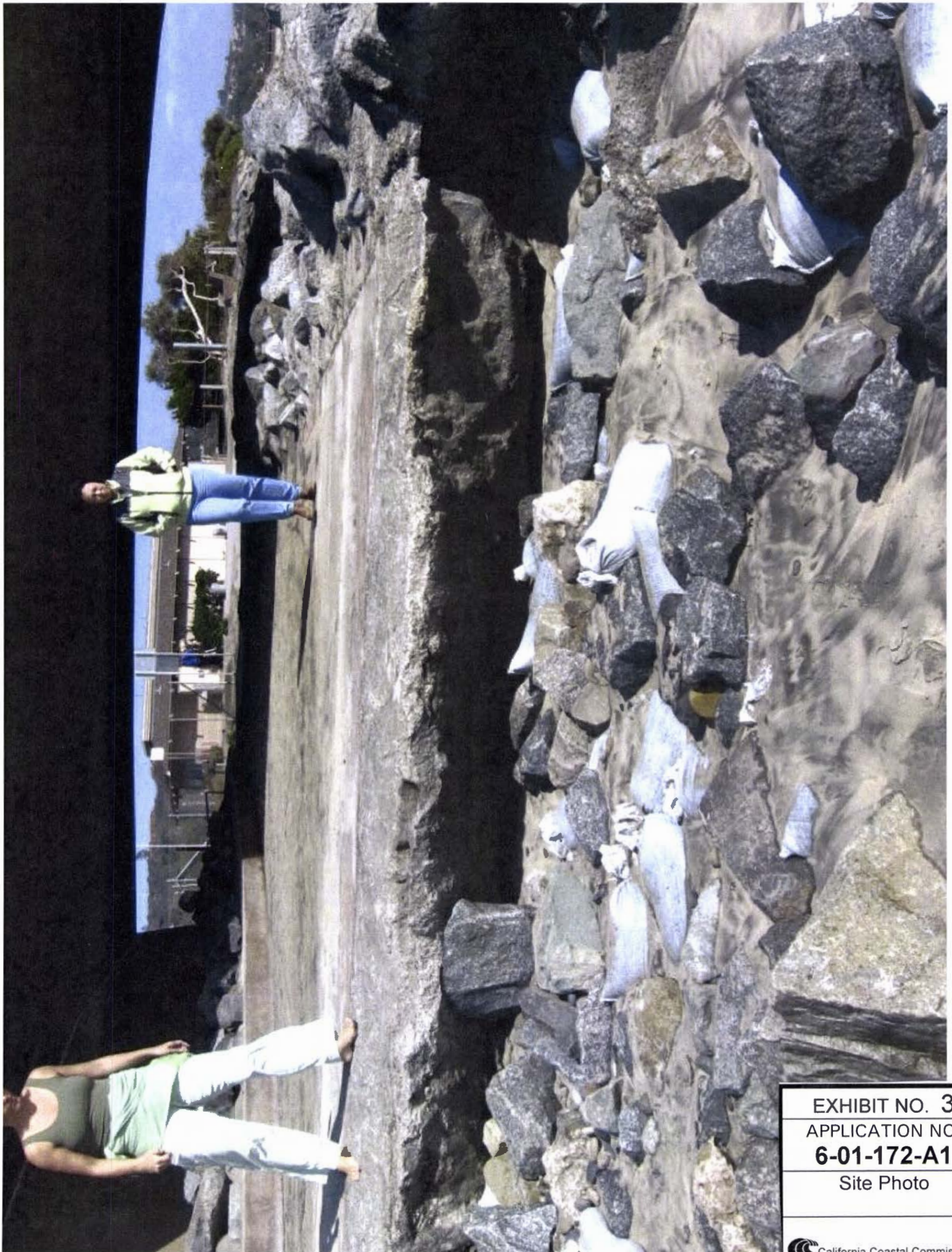


EXHIBIT NO. 3
APPLICATION NO.
6-01-172-A1
Site Photo



LOWEST SAND ELEVATION (WINTER SEASON)

HIGHEST SAND ELEVATION (SUMMER SEASON)

EXIST GROUND

1. SAND ELEVATION DATA PER SCRIPPS STUDY.

SECTION A-A: PROPOSED PROJECT

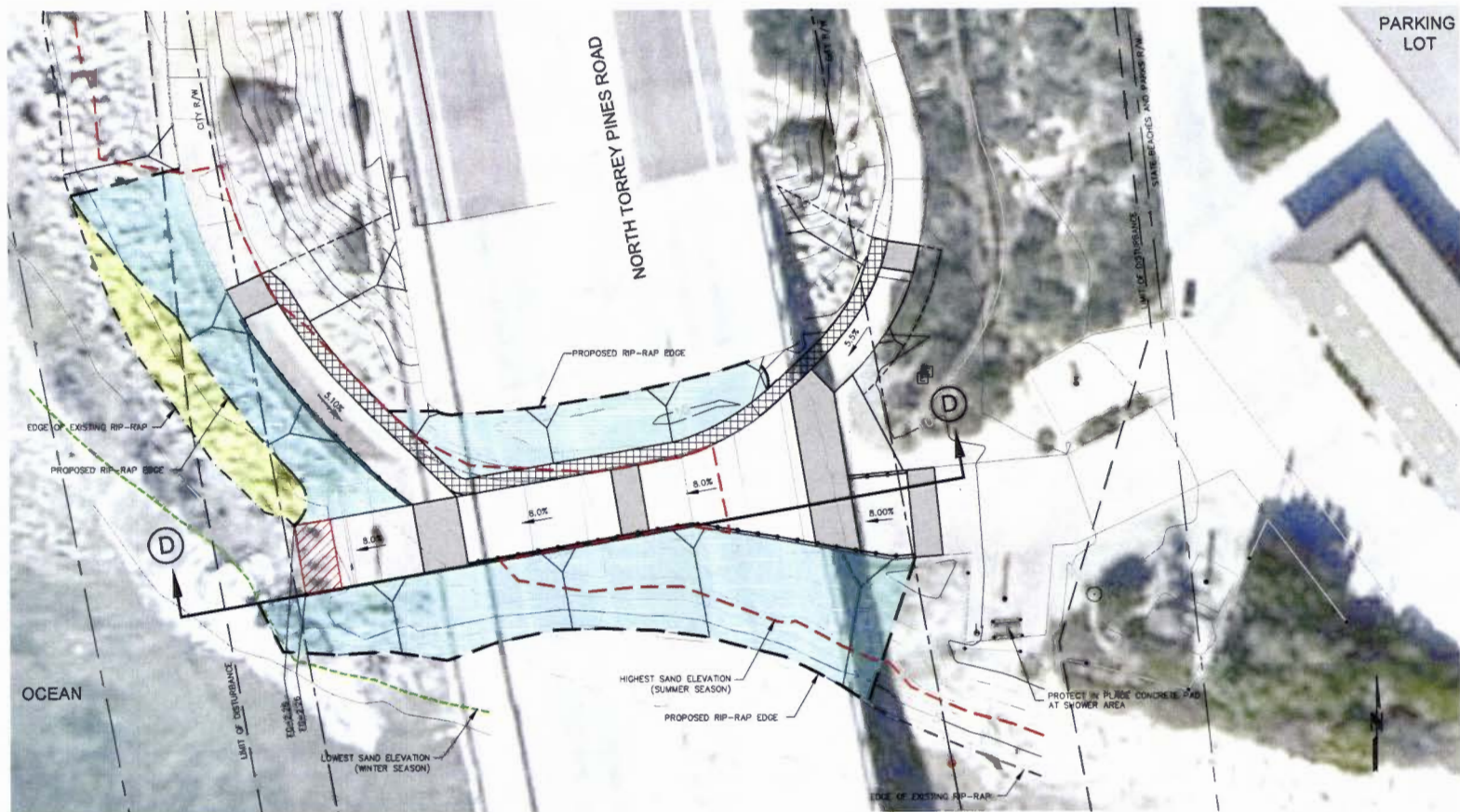


SECTION D-D: REVISED PROJECT ALTERNATIVE

DATE: 08/22/2014

TYLIN INTERNATIONAL
404 CAMINO DEL RIO SOUTH, SUITE 700, SAN DIEGO, CA 92108
(619) 692-1920 www.tylin.com

EXHIBIT NO. 4
APPLICATION NO.
6-01-172-A1
Comparative Elevation



LEGEND

- LOWEST SAND ELEVATION (WINTER SEASON)
- HIGHEST SAND ELEVATION (SUMMER SEASON)
- EDGE OF PROPOSED 1/2 TON RIP-RAP RECONSTRUCTION
- EDGE OF EXISTING RIP-RAP
- GRADING LIMIT
- BEACH AREA RESTORED
- AREA OF PROPOSED 1/2 TON RIP-RAP RECONSTRUCTION
- AREA OF BEACH IMPACT W/ NEW RAMP
- ADA LANDING
- SEAT WALL

AREA OF IMPACT

	AREA (FT ²)
BEACH AREA RESTORED	500
BEACH IMPACT AREA (NEW RAMP)	82
RIP-RAP DISTURBED	3400
EXISTING CONCRETE HARDSCAPE DISTURBED	2774
CONSTRUCTION IMPACT AREA	7653

GENERAL NOTE:

1. SAND ELEVATION DATA PER SCRIPPS STUDY.



NORTH TORREY PINES ACCESS RAMP REVISED PROJECT ALTERNATIVE

DATE: 09/24/2014

TYLIN INTERNATIONAL
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EXHIBIT NO. 5
APPLICATION NO.
6-01-172-A1
Site Plan