

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
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Hearing Date: August 12-15, 1997

STAFF REPORT: CONSENT CALENDAR

Wed 4b

Application No.: 6-97-71

Applicant: City of San Diego Parks
and Recreation Department

Agent: Halla Razak

Description: Demolition and removal of existing pavement and curbs to accommodate new parking layout and sidewalks within street right-of-way; removal and replacement of existing showers and construction of new pedestrian ramps and stairs, on the beach within and adjacent to the existing concrete pad/lifeguard tower facility and installation of a seasonal barrier-free beach access ramp, on the beach at the end of Thomas Avenue; addition of new landscaping and lighting.

Parking Spaces	28
Zoning	OS-P
Plan Designation	Improved Public Park

Site: West side of Ocean Boulevard, between Thomas and Grand Avenues, Pacific Beach, San Diego, San Diego County. APN 760-102-98

Substantive File Documents: Certified Pacific Beach Land Use Plan and City of San Diego LCP Implementing Ordinances
CCC Files #6-82-447; #6-85-355

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Abandonment of Prior Permit. Prior to issuance of the coastal development permit, the applicant shall acknowledge in writing that the subject permit supersedes and replaces Coastal Development Permit #6-85-355 for the area extending from Grand Avenue south through Thomas Avenue. Said acknowledgement shall be reviewed and accepted in writing by the Executive Director.

2. Construction Schedule and Parameters. The applicant shall implement a construction schedule/program which includes the following parameters:

- a. Use of sandy beach and public parking areas outside the actual construction site, including on-street parking, for the interim storage of materials and equipment shall not be permitted.
- b. No work may occur during the summer months (start of Memorial Day weekend to Labor day) of any year.
- c. Equipment used on the beach shall be removed from the beach at the end of each work day.

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a final construction schedule, which shall be incorporated into construction bid documents, and which shall include the preceding criteria. Any modification to the schedule or the stated criteria shall be immediately reported to the Executive Director and may require an amendment to the permit.

3. Staging Areas/Access Corridors. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, detailed plans incorporated into the construction bid documents identifying the location of access corridors to the construction sites and staging areas. Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes (Mission Boulevard and Grand Avenue, in this instance). Use of public parking areas for staging/storage areas shall not be permitted.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/History. The City is proposing a number of public access improvements as Phase IV of the Ocean Boulevard Master Plan. They will occur within the Ocean Boulevard right-of-way between Thomas and Grand Avenues, and on the adjacent public beach. Proposed street improvements will include demolishing and removing existing asphalt and concrete pavement and curbs to accommodate a new parking layout for the same number of vehicles (28) as are currently accommodated. Other improvements within the right-of-way

will provide new sidewalk and pedestrian ramps for disabled access from the on-street parking spaces to the sidewalk, along with additional tree planting and lighting. The project would also remove and replace existing showers, construct a new disabled accessible shower, and construct new pedestrian stairs from the sidewalk to the beach. Finally, the City is proposing a removable barrier-free access ramp which will roll out on the beach to allow wheelchair access to or near the water's edge. This will be deployed during the summer months, but removed and stored during the winter storm season to protect the ramp from damages. The beach improvements are all proposed on or adjacent to an existing concrete pad which supports a lifeguard tower, showers, stairs and a pedestrian and emergency vehicle ramp except the seasonal ramp, which will be located at the end of Thomas Avenue.

Also proposed are replacement of existing metal bollards with concrete ones, installation of an accessible drinking fountain, replacement of the railing on an existing access stairway and decorative pavement/sidewalk modifications to visually blend this area with the relatively recent public improvements to the north. These facilities and improvements would not normally require a coastal development permit, but they are delineated on the submitted plans as part of the overall project.

The Commission has looked at this general area in several past actions, beginning with a temporary closure of a five-block portion of Ocean Boulevard in 1979, starting from Grand Avenue and extending north to Diamond Street. Since then, the Commission approved a permit (Coastal Development Permit #6-82-447) for Phase I of the Ocean Boulevard Master Plan (Garnet Avenue to Diamond Street) in 1982, which permanently vacated that portion of Ocean Boulevard and constructed a seawall, access stairway and blufftop promenade. Subsequently, the Commission approved Coastal Development Permit #6-85-355 for Phases II and III in 1985. Phases II and III covered the area between Thomas and Garnet Avenues, including the subject site. The approved development included a seawall/retaining wall along the entire three-block extent, with several access stairways throughout. It also included a public promenade replacing the northern two blocks of Ocean Boulevard (Grand to Garnet Avenues), with bicycle racks, walkways, landscaping, drinking fountains, and related improvements, which now exist immediately north of the subject site.

The bluff in this area of Pacific Beach diminishes from north to south, such that the southernmost block, which is the subject of this permit, is nearly at beach level. There is a relatively gentle slope from the sidewalk to the sand, but it is not a "bluff;" however, there had been significant erosion of the slope, due to uncontrolled pedestrian traffic over its surface. Thus, the Commission, in 1985, approved a shoreline structure in this area which was more a retaining wall than a true seawall, but which was expected to direct access to the streetend ramps and stairs and protect the slope from further erosion. The improvements within the northern two blocks between Grand and Garnet Avenues were constructed, and the subject block was modified from two-way to one-way traffic. However, the remaining Phase II and III improvements were not constructed in the subject block.

The current proposal, which the City is calling Phase IV, is a much smaller project than that approved in 1985, with the seawall/retaining wall no longer

part of the proposal. For the most part, the project will replace existing facilities with more modern and accessible ones within the existing street right-of-way and lifeguard tower pad, and will make this final block visually compatible with the improvements to the north. However, the new pedestrian access stairs, disabled shower and seasonal accessible ramp will occupy area that is now open sandy beach, albeit, in the case of the stairs and shower, immediately adjacent to the existing concrete pad.

The prior permit for Phases II and III was vested through the construction of portions of the approved development, and is thus an active permit at this time. However, the coastal erosion study that recommended the seawall/retaining wall approved therein is now 16 years old, and conditions may have changed significantly over that period of time. The City is no longer proposing the more extensive (and expensive) facilities in this location, and does not maintain that any shoreline protective devices are required at this time. The Commission finds it appropriate that the prior permit be abandoned with respect to those unbuilt improvements which were to be located between Thomas and Grand Avenues. Special Condition #1 requires the City to acknowledge that Coastal Development Permit #6-85-355 is no longer valid for the unconstructed improvements.

2. Public Access and Recreation. Many Coastal Act policies address the protection and enhancement of public access and recreational opportunities. The following policies are most applicable and state, in part:

Section 30210

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

Section 30211

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 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by ... (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation

The Pacific Beach public beaches are extremely popular with local residents, regional visitors and national/international tourists. There are plentiful visitor accommodations in the general Pacific Beach/Mission Beach/Mission Bay area, with numerous restaurants, shops and other tourist-oriented facilities. There is also public transportation from inland areas of the city to this beach location, making it widely accessible to many people. Therefore, the Commission is concerned that proposed development be designed and constructed in a manner most protective of existing levels and types of access.

The subject proposal will enhance existing access opportunities in several ways. Many of the proposed improvements are designed specifically to accommodate the disabled, including pedestrian street ramps, an accessible shower and the seasonal access ramp which will roll out across the beach. Existing parking will be maintained, though reconfigured, with twenty-eight public parking spaces available at project's end, the same number as exist today. New landscaping and lighting will enhance the recreational experience and the replacement of the older showers with new ones will better serve the public.

One potential access concern is the placement of new amenities outside the footprint of the existing concrete pad, thus occupying areas of sandy beach now available for recreational use. The new pedestrian stairs will be immediately east of the concrete pad, and will be 10' x 50', thus covering a total of 500 sq.ft. of sandy beach. The accessible shower will be located adjacent to both the existing pad and sidewalk, and will occupy a total of 240 sq.ft. (12' x 20'). There is an existing storm drain located within 10'-20' of both new facilities, which would already limit public use of the area. Thus, because these two features are placed contiguous with existing concrete and pavement, and between said concrete and the existing storm drain, it is unlikely that they will displace recreational users of sandy beach.

The proposed seasonal barrier-free access ramp will be located at the western end of Thomas Avenue, a full block away from the other existing improvements, and thus in an area which does receive a significantly level of recreational use. Moreover, it will cross the entire beach from streetend to wet sand or water, occupying a total of nearing 900 sq.ft. The ramp, however, is only 5' across for most of its length, with two 7' x 15' turnaround areas located one in the middle and one at the end. It will lie flat on the sand, such that it will not be an obstacle to lateral movement up and down the beach. Furthermore, the ramp is seasonal only, and will be removed during the winter months when it could be severely damaged by storms and sand movement. Most importantly, it will provide access to a segment of the population which cannot get near the water now, while occupying an insignificant amount of

sandy beach overall. Thus, its public benefits far outweigh any perceived loss of available beach area.

A final concern with any project proposed in a beach location is minimizing any adverse impacts related to construction. Special Conditions #2 and #3 require submittal of a detailed construction schedule and identification of staging/storage areas for equipment and materials. Construction is prohibited between the start of Memorial Day weekend and Labor Day, and staging/storage areas cannot occupy sandy beach or public parking areas, including on-street spaces, outside the actual project site. With these two conditions, the Commission finds the proposal consistent with the cited Coastal Act policies. In addition, as required in Section 30604(c) of the Coastal Act, for all development between the sea and first public road, the Commission finds the conditioned development consistent with all other public access and recreation policies as well.

3. Visual Resources. Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The Pacific Beach shoreline is highly scenic, and the existing Ocean Boulevard improvements and Crystal Pier offer a number of public viewing areas. The proposed public improvements will be visually compatible with the earlier phases of construction, which end immediately north of the project site. For the most part, the improvements are all at grade, such that no existing viewsheds will be adversely impacted. Moreover, the proposed decorative paving and landscaping will visually enhance the area. Therefore, the Commission finds the proposed development, as conditioned, consistent with Section 30251 of the Act.

4. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. As conditioned, such a finding can be made for the subject proposal.

The municipal beach where portions of the proposed project are located is identified as an "Improved Public Park" within the general Parks/Open Space designation of the certified Pacific Beach Community Plan and LCP Land Use Plan. The remainder of the project is within public street right-of-way. The proposed improvements are consistent with those designations. In addition, the project, as conditioned herein, has been found consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, with the attached special conditions, will not prejudice the ability of the City of San Diego to continue implementation of its fully certified LCP.

5. 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 to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

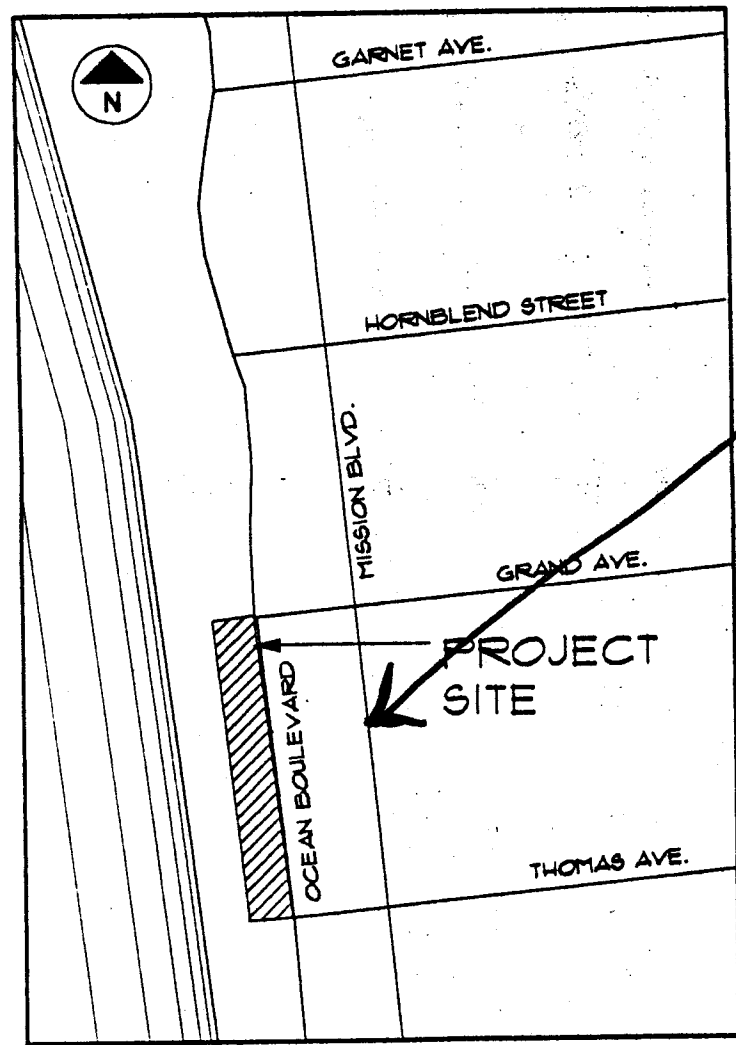
As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the public access and visual resource policies of the Coastal Act. There are no feasible alternatives or mitigation measures required since no significant adverse impact has been identified. 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.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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Site

EXHIBIT NO.	1
APPLICATION NO.	6-97-71
Vicinity Maps	
California Coastal Commission	

6-97-71

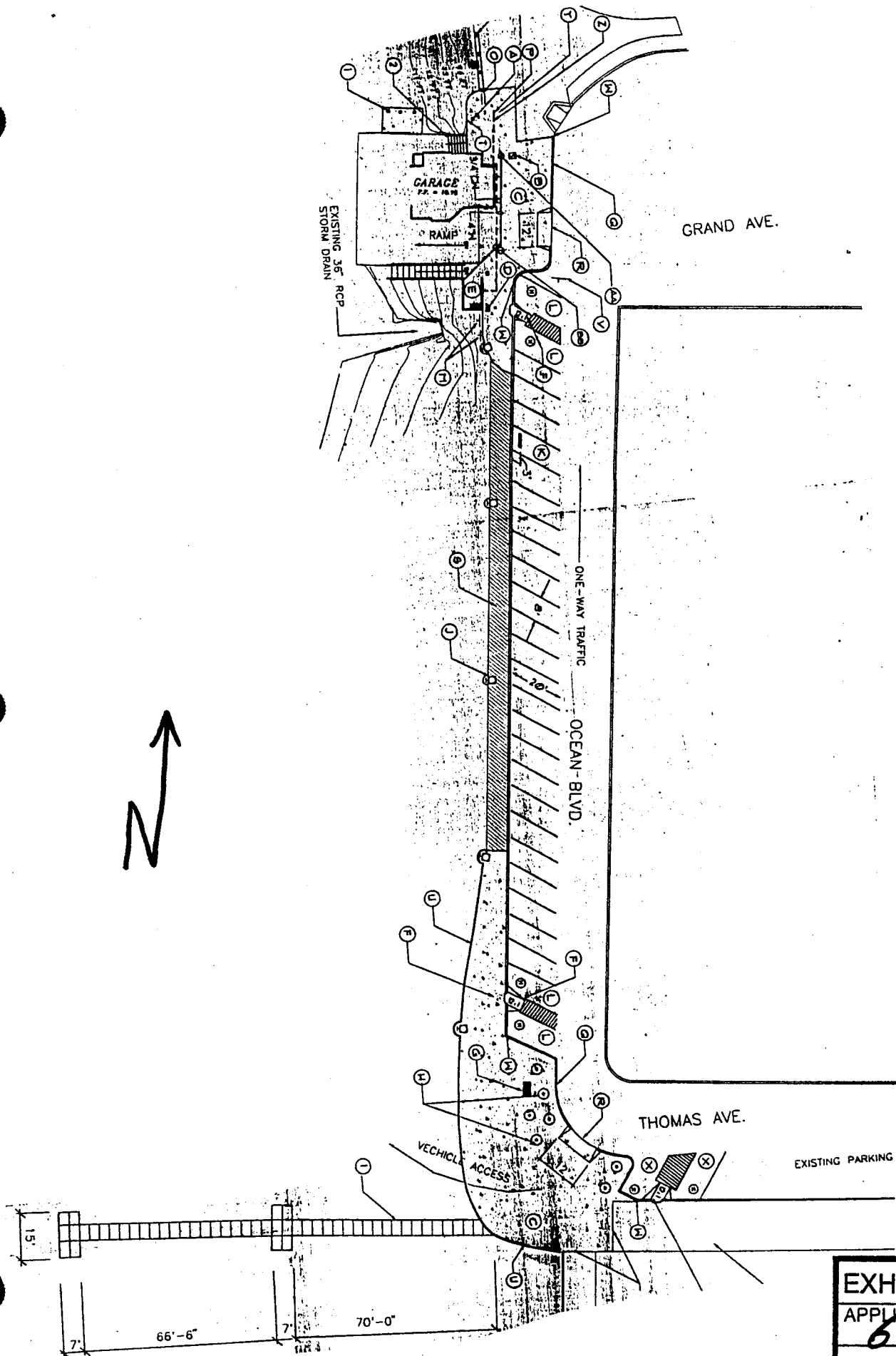


EXHIBIT NO. 2
APPLICATION NO. 6-97-71
Site Plan
California Coastal Commission