

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



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Staff Report: December 17, 1998
Hearing Date: January 13-15, 1999

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-149

Applicant: City of Solana Beach

Agent: Chandra Collure

Description: Repair of an existing concrete stairway through demolition of the lower section and construction of replacement stairs with concrete piers, concrete landings, timber stairs and construction a new pier supported concrete platform for a future lifeguard station.

Zoning OSR
Plan Designation Open Space/Recreation

Site: Tide Beach public beach access stairway, west end of Solana Vista Drive, Solana Beach, San Diego County.

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance; Geotechnical Investigation Tide Beach Park Stairway dated December 3, 1998.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development with special conditions requiring the submission of revised final plans indicating that the proposed improvements are within the same alignment as the existing structure and the elimination of the proposed lifeguard foundation, and a construction schedule restricting work to the non-summer months. With these conditions, impacts of the proposed development will be minimized or mitigated, consistent with Chapter 3 policies of the Coastal Act.

PRELIMINARY 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. Final Revised Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final revised plans for the stairway improvements which shall include the following:

a. The alignment of the replacement stairway shall be identical to the alignment of the existing stairway. No additional encroachment onto the public beach shall occur further beyond the toe of the existing stairway.

b. The lifeguard tower platform foundation shall be deleted.

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

2. Construction Schedule/Staging Areas/Access Corridors. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, detailed plans identifying the location of access corridors to the construction sites and staging areas, and a final construction schedule. Said plans shall include the follow criteria specified via written notes on the plan:

- 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 is prohibited.
- b. No work shall 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 workday.
- d. Access corridors shall be located in a manner that has the least impact on public access and existing public parking areas. Use of public parking areas for staging/storage areas is prohibited.

Prior to the commencement of construction, the applicant shall submit evidence that the plans have been incorporated into construction bid documents

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

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/History. The proposed development involves the demolition of the lower portions of an existing concrete stairway consisting of wooden stairs and construction of a new lower stairway section supported on concrete piers and concrete landings. The lower portion of the existing stairway has been deemed unsafe and, therefore, is proposed for replacement. A concrete foundation supported by concrete piers placed into the bedrock is also proposed adjacent to the lower portions of the stairway to support a future lifeguard tower. A structurally unsupported, temporary lifeguard tower was removed from this site during this past winter's El Nino storms after the structure became undermined. The proposed alignment of the stairway will be essentially the same as existing.

The existing stairway is located at the western terminus of Solana Vista Drive at Pacific Drive in Solana Beach and descends approximately 72 feet down the bluff and westward onto the ridgeline of a headland that forms the southern border of Tide Beach Park's pocket beach. The existing stairs have been undermined by coastal erosion within the last year to the extent that public safety has become an issue. In November 1997 and in the Spring of 1998, the stairs were closed for temporary repairs to the affected lower sections.

2. Public Access. Many policies of the Coastal Act address the provision, protection and enhancement of public access to and along the shoreline, in particular, Sections 30210, 20211, 30212.5, 30221, 30223 and 30252. These policies address maintaining the public's ability to reach and enjoy the water, preventing overcrowding by providing adequate recreational area, protecting suitable upland recreational sites, and providing adequate parking facilities for public use. In addition, Section 30604(c) requires that a specific access finding be made for all development located between the sea and first coastal roadway. In this case, such a finding can be made.

The proposed development is repair and replacement of an existing public stairway leading down to Tide Beach from the western terminus of Solana Vista Drive in Solana Beach. The Tide Beach stairway is a heavily used beach accessway and its repair is considered to be a high priority. The City has indicated that in order for all work to be completed prior to Memorial Day 1999, construction activities must commence as soon as possible. Special Condition #2 is proposed to assure that construction activities have minimum impacts on public access. This condition requires that access and staging areas be identified and that no beach or parking area be utilized for the storage of equipment or materials and that no work may occur during the summer months (Memorial Day to Labor Day) of any year.

The applicants propose to replace the lower section of the stairway in the same location as the existing. They are, however, proposing to add one landing onto the beach to satisfy Uniform Building Code requirements. The stairway landing at the beach will occur within a pocket beach which even at high tide remains available for use. As such, staff is concerned that the proposal may result in further encroachment upon the public beach. The City has indicated that the stairway landings will be buried by sand under normal conditions and will only be exposed under severe scouring effects by waves. However, given that this pocket beach is at times the only area available for public use, the Commission is concerned with any further encroachment onto the public beach. As such, Special Condition #1 requires the applicant to redesign the stairway such that the lower landing extends no further onto the beach than what currently exists.

The proposed development is to repair and replace an existing public access stairway. As conditioned, public access impacts will be minimized, consistent with the public access policies of the Coastal Act.

3. Geologic Stability. Section 30235 of the Act states that:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

In addition, Section 30253 states, in part:

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

The applicants are proposing repair and replacement of an existing stairway that was constructed prior to the Coastal Act and to construct a new lifeguard tower foundation. The development will be constructed on a Torrey Sandstone headland at approximately 26 feet in elevation west of and below the existing Tide Beach Stairway. The applicants have submitted a geotechnical report which identifies that the lower portion of the stairway is unsafe and needs to be replaced. In addition, the report indicates that this existing stairway is threatened by a seacave/undercut area located under the headland and by ongoing marine erosion. The applicants have indicated their intent to file an application for the fill of the seacave. However, because of construction bid constraints associated with the stairway and the need to complete work in advance of the summer season, the applicants have requested approval of the stairway repairs in advance of the Commission review of the seacave fill.

The applicants propose to install 3-foot-diameter concrete piers embedded into the bedrock to support the proposed stairway repair and a future lifeguard tower. The new piers for the stairway repair will be located at the same general footing locations as that of the existing stairs. As such, the repair and replacement of the proposed stairway does not constitute new development. In addition, the applicant has indicated that the new stairway foundation has been designed to support the stairway, even if the existing headland was removed. In the case of the lifeguard tower, however, the applicants are requesting new development. The previous lifeguard tower was simply a structure placed on a concrete slab without other structural footing supports. The applicants are proposing new concrete piers to support a new permanent structure. As stated above, Section 30253 of the Act limits new development in high geologic hazardous areas to those which would not require future shoreline protective devices. In the case of the lifeguard tower which is proposed on a currently threatened headland, approximately 26 feet above the beach, such a finding cannot be made. Special Condition #1 requires the submission of revised final plans which eliminate the proposed improvements associated with the lifeguard tower and which also clearly demonstrate that the proposed repairs to the existing stairway will occur within the same footprint and alignment as that of the existing. Therefore, as conditioned, the impact of the proposed project on the overall stability of the bluff has been minimized to the maximum extent feasible, and the Commission finds that the proposed development is consistent with Section 30253 of the Coastal Act.

3. Visual Impacts. Section 30251 of the Act states in part:

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

The subject development consists of repair and replacement of the lower portion of an existing public access stairway at Tide Beach Park, a public beach. The portions of the stairway proposed for repair will be located within the same footprint as the original stairway, and will be designed to resemble the existing structure. As such, the proposed project will not result in any adverse visual impacts, consistent with Section 30251.

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. In this case, such a finding can be made.

The subject site was previously in the County of San Diego Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. The City will, in all likelihood, prepare and submit for the Commission's review a new or revised LCP for the area. Because of the incorporation of the City, the certified County of San Diego Local Coastal Program no longer applies to the area. However, the Commission will continue to utilize the San Diego County LCP documents for guidance in its review of development proposals in the City of Solana Beach until such time as the California Coastal Commission certifies an LCP for the City.

The project site was previously designated for open space/recreation under the County LCP and in the City of Solana Beach Zoning Ordinance and General Plan. The proposed development is consistent with these requirements. The Commission therefore finds the proposed development, as conditioned, conforms to Coastal Act Chapter 3 policies and the certified San Diego County LCP. Therefore, as conditioned, the subject development will not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program.

5. Consistency with the California Environmental Quality Act (CEQA).

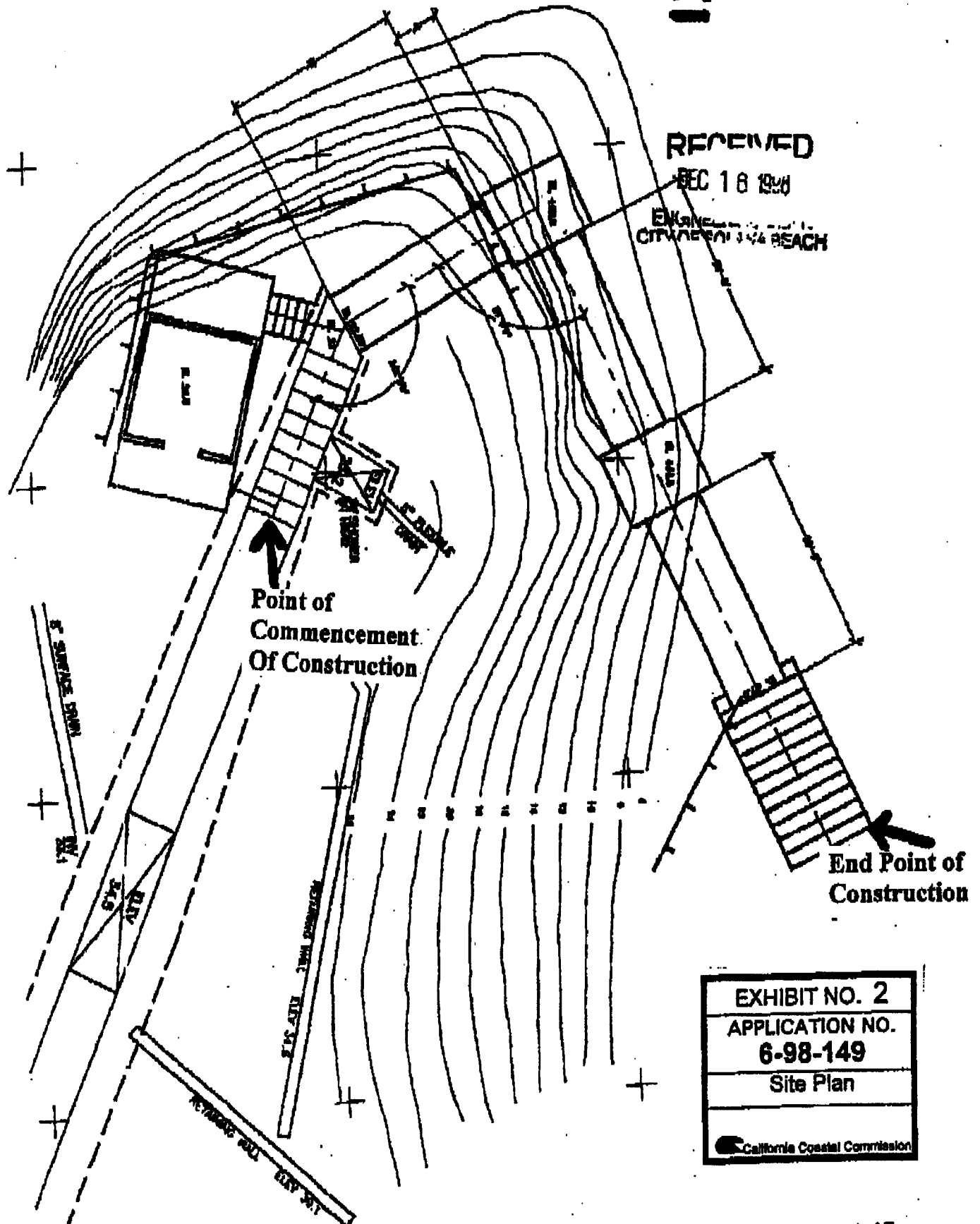
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits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

The proposed project has been conditioned in order to be found consistent with the geologic stability and public access policies of the Coastal Act. Mitigation measures will

minimize all adverse environmental effects. 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. 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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ENGINEER
CITY OF SAN DIEGO BEACH

Point of
Commencement
Of Construction

End Point of
Construction

EXHIBIT NO. 2
APPLICATION NO.
6-98-149
Site Plan

California Coastal Commission

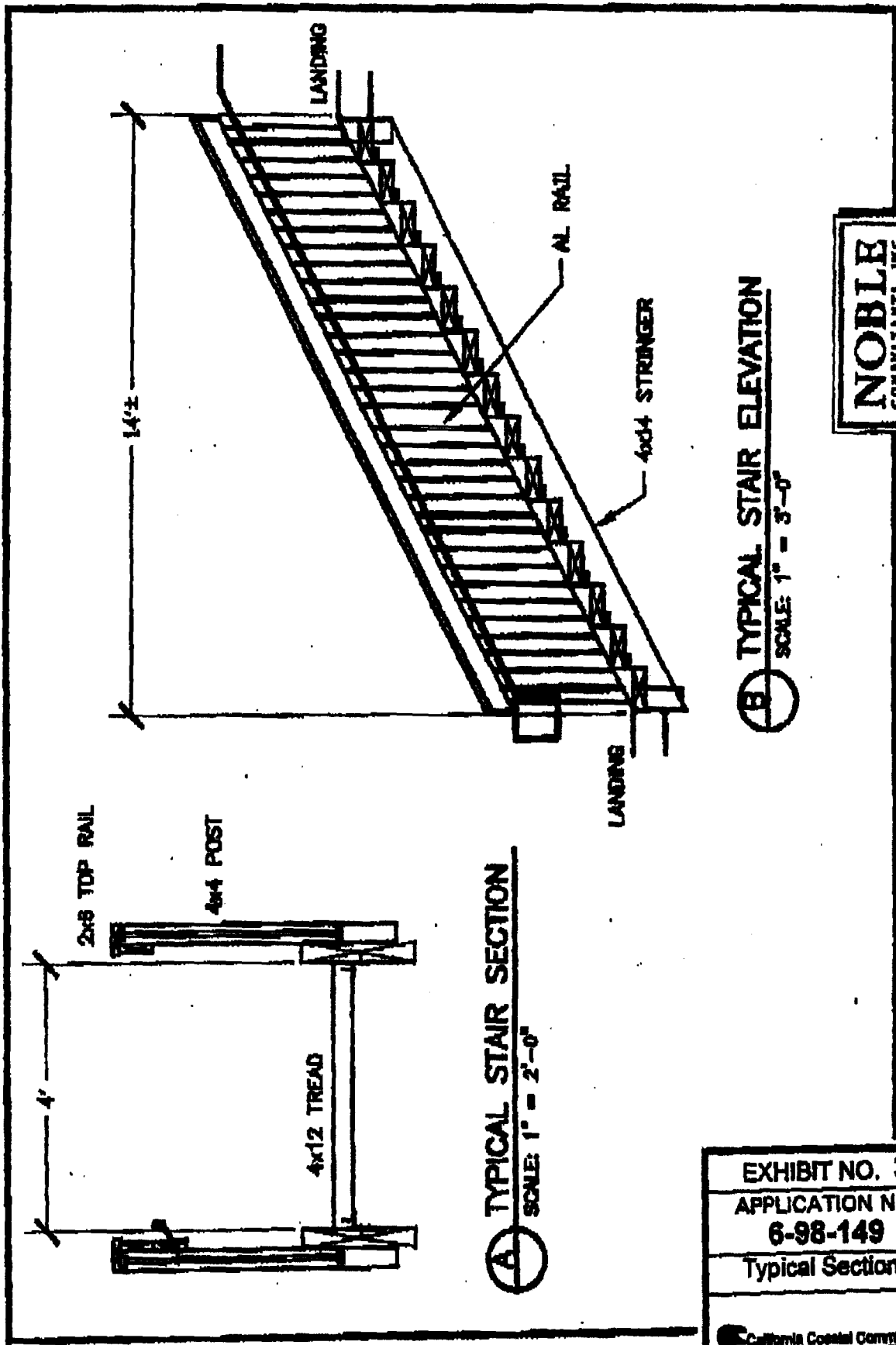


Figure 2

NOBLE
CONSULTANTS, INC.

EXHIBIT NO. 3
APPLICATION NO.
6-98-149
Typical Sections