

## CALIFORNIA COASTAL COMMISSION

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Staff: EL-SD  
Staff Report: March 17, 1999  
Hearing Date: April 13-16, 1999

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-14

Applicant: California Department of  
Parks and Recreation

Agent: Ed Navarro

Description: Repair of existing concrete beach access ramp from north parking lot to beach, including replacement of sections of ramp with new concrete, grouting under remaining ramp sections, the addition of 200 cu.yds. of riprap reinforcement around ramp, retrieval and replacement around ramp of migrated rock from the beach and grouting of existing riprap adjacent to existing restroom.

Lot Area	61 acres
Parking Spaces	549
Zoning	Park
Plan Designation	Park

Site: Torrey Pines State Beach, North Torrey Pines Road, North City, San Diego, San Diego County. APN 301-130-01

Substantive File Documents: Certified North City Land Use Plan

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed repair work. Potential issues raised by the proposal include construction impacts on public access and possible loss of sandy beach area currently available to the public. Project design, designated construction staging areas and special conditions will assure that impacts are minimized by requiring that no work occur during the summer season and that the approved structures be properly maintained. Also, a special condition will require indemnification of the Commission.

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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. Construction Access/Staging Area/Project Timing. PRIOR TO THE 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, staging and storage areas for materials and equipment during the construction phase of this project and a final construction schedule. Said plans shall include the following criteria specified via written notes on the plans:

- a. Use of sandy beach and public parking areas shall be minimized.
- 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 work day.
- d. Access corridors shall be located in a manner that has the least impact on public access and existing public parking areas and traffic flow on Carmel Valley Road.

2. Maintenance Activities/Future Alterations. The permitted repair work/revetment 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 shall be removed from the beach. Any change in the design of the revetment or future additions/reinforcement of the riprap

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.

3. Waiver of Liability. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant as landowner shall submit a signed agreement to the Executive Director, which shall provide: (a) that the applicant understands the site may be subject to extraordinary hazards from waves and tidal action and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents and employees relative to the Commission's approval of the project for any damage due to natural hazards.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The California Department of Parks and Recreation (State Parks) is proposing to repair an existing paved beach accessway which leads from the north parking lot at Torrey Pines State Beach to the beach itself. The 12-foot wide concrete walkway 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 accessway, which is used by both pedestrians and State Parks emergency vehicles, has become undermined and the western segments have started to buckle.

The parking lot, including the accessway, was built in the mid-1960s and there have been no Commission actions since that time which address the portion of the parking lot where the accessway exists. The original construction included a riprap revetment supporting the paved walkway, which wrapped around the end of the pavement and continued east/southeast along the side of the accessway and the southern edge of the parking lot. Much of the riprap has since sunk into the sand and some has migrated seaward.

The proposed repair activities include the removal of the damaged walkway segments and replacement with new concrete; the applicant also proposes grouting under the remaining ramp sections to prevent future damages. In addition, State Parks proposes to repair the existing rock revetment by adding approximately 200 cu.yds. of new stone around the rebuilt access ramp, within the pre-Coastal Act footprint. To the extent possible, migrated rock on the beach will be retrieved and used in this effort. Finally, the applicant is proposing regrouting of the riprap adjacent to the existing restroom (just east of the access ramp), again as a preventative measure.

The 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 accessway is located at the southern end of the parking lot, and leads westward under the southern North Torrey Pines Road bridge, which crosses the lagoon mouth. In recent months, the northern accessway has been closed by 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. Although the closure of this accessway is being investigated as a separate matter, the present unavailability of the northern access route has made the maintenance of the southern access all the more important.

The subject development is proposed on filled tidelands, where the Coastal Commission retains permit authority. The standard of review is Chapter 3 of the Coastal Act.

2. Public Access and Recreation. The Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast. The following Coastal Act policies, which address the protection of public access and recreational opportunities, are most applicable to the proposed development:

#### Section 30210

In carrying out the requirements 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 30212

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

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

(2) adequate access exists nearby....

#### Section 30213

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

#### Section 30223

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

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, the beach had become very narrow after the 1997-1998 El Nino storm season, which may have contributed to the walkway undermining. Currently, a significant amount of sand has returned, due perhaps to the mildness of this winter. At the present time, a thin layer of sand covers the damaged segments of the walkway, but there is no way to determine how long the sand may remain or if further damages may occur. Since the paved path provides access not only for beachgoers but also for State Parks emergency vehicles, the applicant is understandably concerned that the accessway be properly maintained. The proposed repair activities are intended to return the accessway to fully serviceable condition both for public access and to provide access to lifeguard and other emergency vehicles for continued public safety and maintain it for future use.

The proposed pavement replacement, riprap augmentation and grouting are necessary to maintain an existing public access facility. The proposed augmented riprap will not extend further seaward (or lagoonward) than the originally constructed revetment. In fact, in a comparison of the original and current plans, the revetment has actually been pulled in a couple of feet, freeing up a small area of public beach that was formerly inaccessible. In addition, the riprap protecting the toe of the ramp will be aligned with the existing riprap revetment extending northwards along the west side of North Torrey Pines Road. The riprap and toe of the ramp will be at a low enough elevation to be buried by sand, allowing safe passage of the public and emergency vehicles. With the recent closure of the northern accessway, the subject path has become the only way to reach the beach from the parking lot. Thus, as proposed, the repair of the access path will not encroach further onto public beach than the existing damaged path and continuous public access in the area can be maintained.

While the design of the project is consistent with Coastal Act 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 #1 prohibits construction during the summer months, between Memorial Day weekend and Labor Day. This prohibition is consistent with the preliminary work schedule the applicant has included in the contract bid documents. The condition also requires that the use of public parking areas for construction staging or storage be minimized. The applicant has submitted a preliminary staging plan which indicates a total of ten parking spaces, out of 549 existing in the parking lot, are required for staging purposes. The plan identifies a specific ten spaces that are removed from the access path and restroom itself,

although located along the southern portion of the parking lot. This will allow relatively convenient access for construction while minimizing interference with ongoing public use of the restrooms and accessway. The applicant has also expressed a belief that a relatively short construction schedule is required, and expects the work to be completed within a two-week period. 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 #2 requires that the repaired accessway 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, provides and enhances public access opportunities through the replacement of damaged sections of the existing access ramp of the parking lot. 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).

3. Geologic Conditions and Hazards. Section 30235 of the Coastal Act states, in part:

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.

In addition, Section 30253 of the Coastal Act 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 ....

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 repair an existing access facility, which is comprised of a paved concrete access ramp and existing riprap. The facility was constructed in the late 1960s. Since that time, much of the riprap has sunk into the sand and/or migrated seaward. The current proposal is to restore the public accessway to pre-existing conditions, since the walkway has become undermined, and may continue to be subject to future damages without the proposed repairs. In addition to replacement of the damaged walkway sections, the proposal includes augmentation of the existing riprap, grouting under the remaining walkway sections and regrouting portions of the existing riprap revetment adjacent to the restroom. To the extent possible, migrated rock on the beach will be retrieved and used for the augmentation. The repaired facility will not encroach any further onto sandy beach than did the previously constructed improvements. Riprap protecting the toe of the ramp will be aligned, as previously, with an existing revetment which extends north along the west side of North Torrey Pines Road. The revetment along the southern side of the repaired sidewalk will actually be pulled back a couple feet and encroach less than did the previously constructed improvements

The project site is located on the beachfront in an area that has been subject to storm waves. Section 30235 cited above 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 blufftop 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.

It is understood that all designs of shoreline protection, when placed in an intertidal area, do affect the configuration of the shoreline and the beach profile and do have an adverse impact on the shoreline. A number of adverse impacts to public resources, such as sandy beach and recreational access for non-bluff areas, are generally associated with the construction of shoreline structures. In this particular case, since the replacement walkway and revetment will be aligned the same as, or landward of, the existing, damaged facility, the proposed development will not result in any additional or different impacts than have occurred since the accessway construction in the late 1960s. Thus, any

ongoing impacts to the natural shoreline processes referenced in Section 30235 of the Coastal Act, such as the retention of sandy beaches, will not be altered or increased by replacement of the existing public access facilities. In addition, there are no other alternatives available that would assure continued access for the public and lifeguards in this location.

A statewide comprehensive approach to impacts on sand supply and public access has been developed recently. The Beach Sand Mitigation Program has been implemented in several areas of San Diego County, and elsewhere in the state, to offset the adverse impacts of shoreline protection devices. The program includes a formula to calculate an in-lieu fee based on an individual project's quantifiable impacts on shoreline sand supply; the monies are then expended on beach nourishment projects in the general project area. Because the proposed repair and maintenance activity will only replace in kind existing facilities, will not involve any further beach encroachment, and already includes a public access component, such mitigation is not necessary in this particular case.

Two special conditions have been attached to the subject permit approval to address the impacts of construction and ongoing maintenance; these were addressed in the previous finding. However, the applicants are proposing to reconstruct an existing facility in an area subject to wave and storm hazards. Regardless of how well designed and constructed such facilities may be, the risk of damage to the structure and other nearby existing development 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 #3 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.

In summary, the Commission finds that repair and augmentation of the existing revetment is appropriate 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.

4. Visual Resources/Community Character. Section 30251 of the Coastal Act provides for the protection of scenic coastal resources, and states, in part:

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



character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The site is located on and adjacent to the public beach of North Torrey Pines State Beach and adjacent to the existing north parking lot of that beach. When completed, the repaired accessway will not present a different appearance than at present, and will be visually compatible with the surrounding beach and upland amenities. The proposed development is simply intended to maintain an existing public access facility in its existing design. Therefore, the Coastal Commission finds the proposed development consistent with Section 30251 of the Act.

5. 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, as conditioned, such a finding can be made.

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.

6. 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.

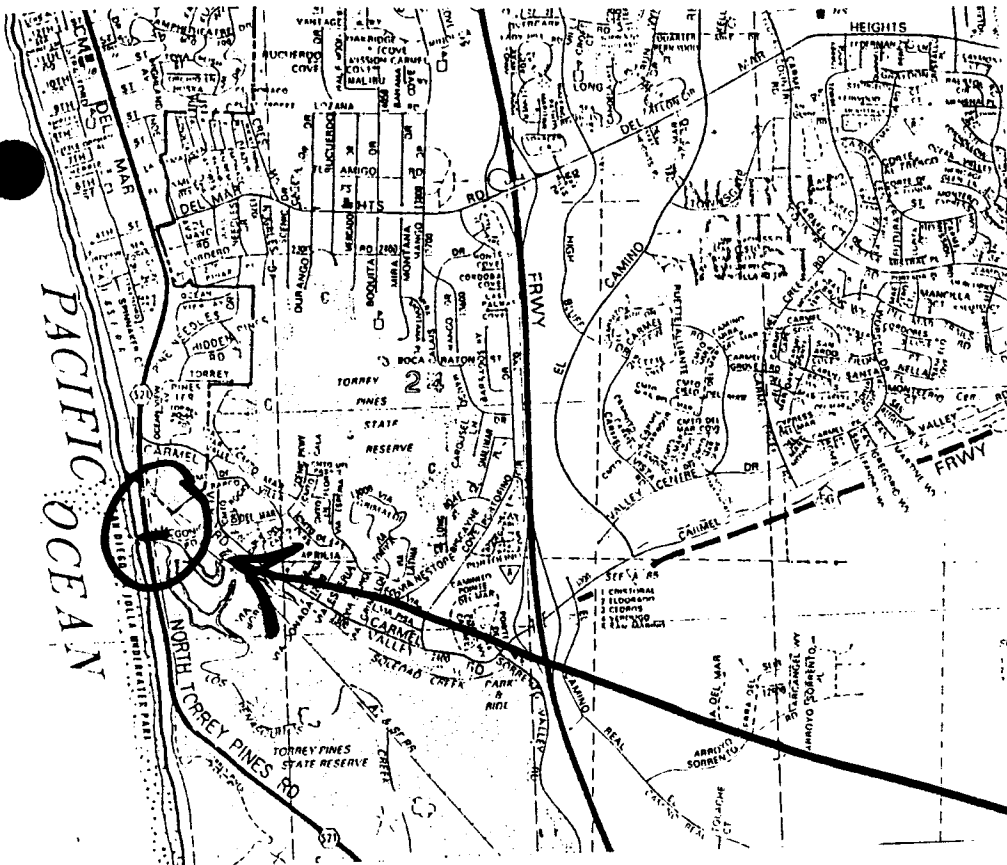
The proposed project has been found consistent, as conditioned to address geologic and access concerns, with all applicable policies of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the 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.

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.

6-99-14



Site

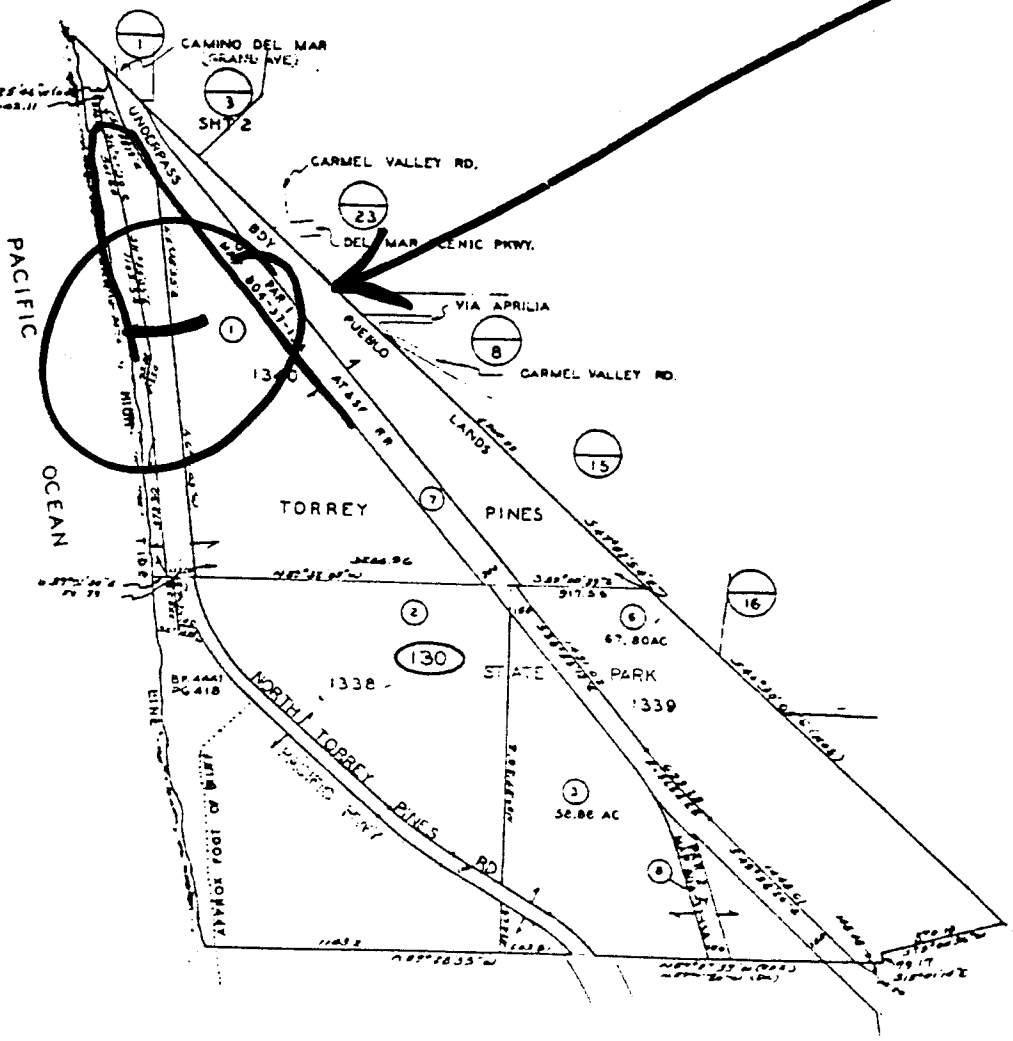


EXHIBIT NO. 1
APPLICATION NO.
6-99-14
Location Maps
California Coastal Commission

6-99-14

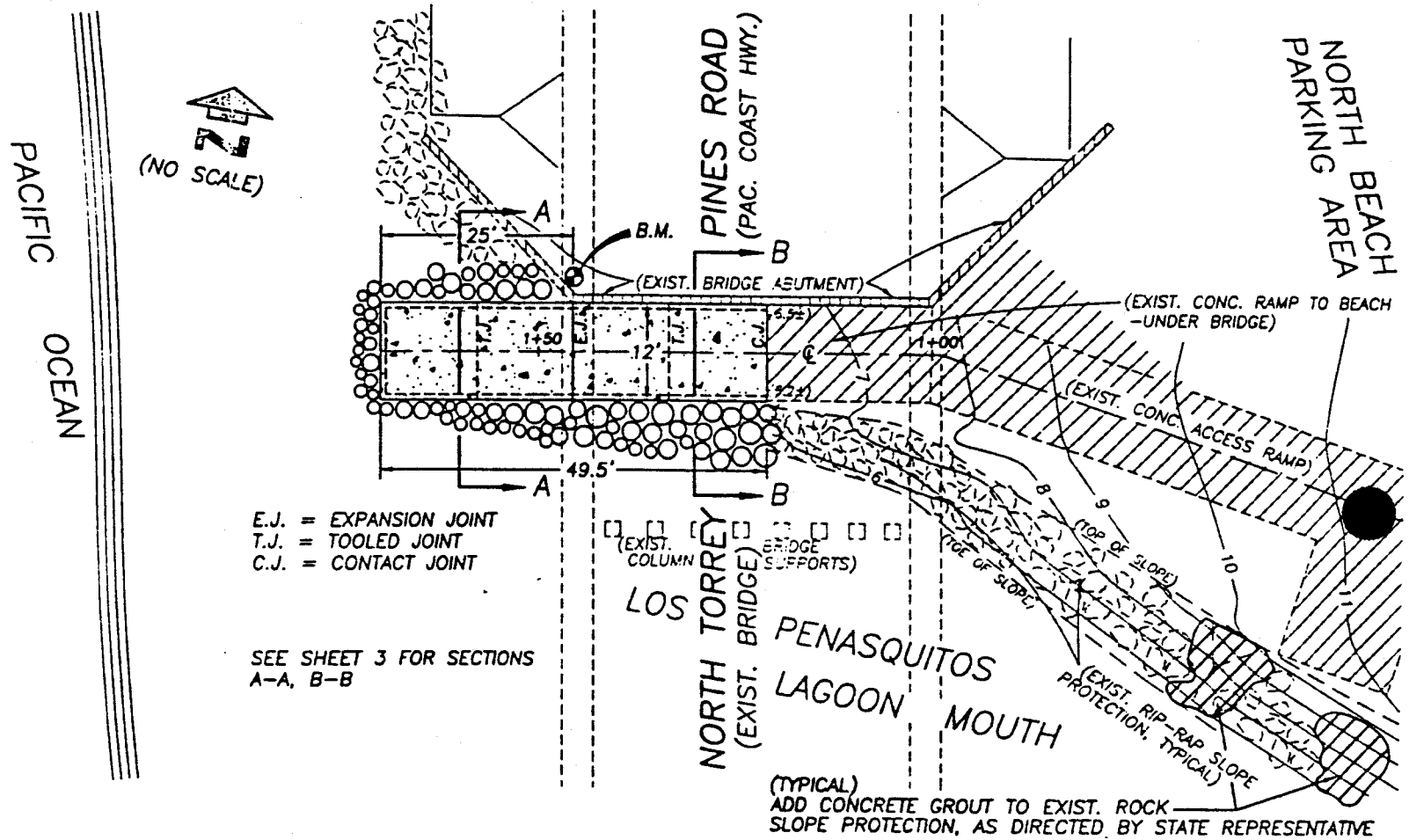


EXHIBIT NO. 2
APPLICATION NO.
6-99-14
Site Plan
California Coastal Commission

