

CALIFORNIA COASTAL COMMISSION

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 Hearing Date: June 7-11, 1999

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-006

Applicant: City of Solana Beach

Agent: Chandra Collure

Description: Demolition of an existing lifeguard station and foundation on bluff headland and construction of an approximately 10 foot-high, 64 sq. ft. lifeguard station supported by an 8 ft. by 15 ft. concrete platform and an approximately 41 foot-long concrete pier imbedded below ground on a coastal bluff headland.

Zoning OSR
 Plan Designation Open Space/Recreation

Site: On coastal bluff headland at Tide Beach, 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; Shoreline Erosion Study, North Solana Beach by Group Delta Consultants dated August 20, 1998; Geotechnical Investigation Tide Beach Park Stairway by Group Delta Consultants dated December 3, 1998.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

The lifeguard station and concrete platform foundation were damaged in previous storms and have already been removed. The City has documented that a station in this location is necessary to provide lifeguard support, that the proposed new lifeguard station, foundation, and supporting pier have been designed to have minimal impacts on the bluff and will not need shoreline protection in the future. Staff is recommending approval of the proposed development with special conditions requiring the submission of final plans, construction staging and storage plans indicating that no work will occur in the summer

months and a waiver of liability. 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 Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans for the development which are in substantial conformance with the plans submitted for the application by Noble Consultants which were received on May 18, 1999.

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 site and staging areas, and a final construction schedule. Said plans shall include the following criteria specified via written notes on the plan:

- a. Use of sandy beach and public parking areas, 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.

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. Project Description/History. The proposed development involves the after-the-fact demolition of a lifeguard station and concrete platform foundation, the construction of an approximately 10 foot-high, 64 sq. ft. lifeguard station supported by an 8 ft. by 15 ft. concrete platform at approximately 26 feet above Mean Sea Level (MSL) and a 3-foot-diameter, approximately 41 foot-long concrete pier imbedded below ground. The lifeguard station, concrete platform and imbedded pier are proposed to be colored and textured to match the surrounding bluff.

The previous lifeguard station and concrete platform foundation were removed without benefit of a coastal development permit sometime in the last year after they became a danger to public safety caused by damage from the winter storms of 1997-98. The

removed lifeguard station and concrete platform were constructed prior to the Coastal Act and were located at the western terminus of Solana Vista Drive at Pacific Drive in Solana Beach on the ridgeline of a coastal bluff headland that forms the southern border of Tide Beach Park's pocket beach. The site is adjacent to the Tide Beach Park public stairway which follows the ridgeline of the headland to the beach.

The City of Solana Beach does not yet have a certified Local Coastal Program (LCP) and, therefore, Chapter 3 policies of the Coastal Act is the standard of review.

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.

The proposed development is a replacement of an existing lifeguard station located on a coastal bluff headland above the beach at Tide Beach Park. The Tide Beach lifeguard station is the only accessible location that provides for views of the beach and surf areas to the north, south and west of the headland for City lifeguards. According to the City's lifeguard service, its replacement is considered a high priority and is necessary to provide adequate lifeguard service for beachgoers. The City has evaluated two alternatives to the proposed lifeguard station. One alternative would be the placement of lifeguard stations directly on the beach. These would be temporary in that they would not involve a supporting foundation and could be moved to various locations on the beach. The other alternative would be to place a chair/umbrella on the upper stairway landing. The City concluded that placement of lifeguard stations on the beach is not feasible because at least two structures would be required, one on each side of the headland, in order to provide views of the surf areas to the north and south, and these structures would take up usable beach area. In addition, the stations on the beach would create a public safety hazard since at times the structures would be in the surf zone which means that swimmers, surfers, etc. could be carried by the surf into the stations.

The City also concluded that placement of a chair/umbrella on the stairway landing was infeasible since it would impede public access of the stairway and would not provide sufficient sun protection for the lifeguards assigned to that location. The Commission has reviewed these as it relates to public access and finds that the proposed alternative to reconstruct the lifeguard station in its previous location will minimize impacts to public access to the beach. In addition, the proposed development promotes public access because it provides the public with the most effective lifeguard protection with the least use of the beach area. In addition, since the development is proposed to replace the previous lifeguard station, in the same location, no additional public access impacts will occur aside from those associated with temporary construction activities.

The City has indicated that work is not proposed to commence prior to Labor Day 1999, however, Special Condition #2 is proposed to assure that construction activities have a minimum impact 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.

In summary, the proposed project will be located in the same alignment as the previous lifeguard station and will not be located in an area that will impede public access to the beach. With this approval, the City will be able to provide necessary and adequate lifeguard service to the visiting public. 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 City is requesting an after-the-fact approval to demolish a lifeguard station and concrete platform foundation that were damaged by storms and to replace them with a new station, foundation, and a pier that is intended to prevent damage from storms in the future. The proposed development will be constructed in the same location as the previous lifeguard station on a Torrey Sandstone coastal bluff headland approximately 26 feet above the beach adjacent to and west of the existing Tide Beach Stairway. The previous lifeguard station and foundation consisted of a structure (the lifeguard station) resting on a concrete platform (the foundation). These structures were removed in January 1998 because of public safety concerns after damage from the winter storms. The applicants propose to reconstruct the lifeguard station and concrete platform and to secure the structures by attaching them to a 3 foot-wide, approximately 41 foot-long concrete pier which will be inserted below ground of the headland. The pier shaft is

proposed to be drilled utilizing either a "limited access auger drill rig" or a "crane-type 'dangle drill'".

As cited previously, Section 30253 of the Coastal Act requires that new development not contribute significantly geologic instability. The applicant's engineer has determined that the drilling needed to install the pier will not have an adverse impact on the stability of the headland since the proposed drilling technique does not involve "hammer impact". Also, as indicated previously, the applicant has reviewed alternatives to the proposed drilling into the headland including placement of temporary lifeguard stations on the beach or a chair/umbrella on a landing of the existing stairway. The City rejected both alternatives due to safety and public access concerns. The Commission finds that the proposed pier will not create or contribute to geologic instability, will ensure the stability of the proposed lifeguard station and platform and is the least environmentally-damaging feasible alternative.

As stated above, Section 30253 of the Act limits new development in high geologic hazardous areas to those that would not require future shoreline protective devices. The applicant is proposing a new lifeguard station to replace a previously damaged facility. The new station will be supported by an approximately 41 foot-long pier inserted below ground within bedrock. The applicant has provided documentation indicating that even if the headland should be removed through erosion or other natural occurrence, the concrete pier will be capable of standing alone without the need for shoreline protective devices. The applicant has also indicated that even if the lifeguard station or concrete platform is threatened in the future, both structures could be removed in lieu of shoreline protection. While the applicant has indicated that the proposed development will not require future shoreline protective devices, it should be noted that the applicant has indicated their desire to fill a sea cave that has formed under the south side of the headland. This request, which will be processed under a separate coastal development permit application, proposes to fill the sea cave in order to protect the existing public access stairway. While not required to protect the proposed lifeguard station, the proposed sea cave fill, if approved, will none-the-less afford some protection to the subject development.

In summary, the City has documented the need to provide lifeguard support in this location for public safety purposes. Based on the above discussion, the Commission finds that the impact of the proposed project on the overall stability of the bluff has been minimized to the maximum extent feasible and the proposed development will not require future shoreline protection. Therefore, the Commission finds that the proposed development is consistent with Section 30253 of the Coastal Act.

4. 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 after-the-fact removal of an existing lifeguard station and concrete platform foundation, and the construction of a new lifeguard station supported by a concrete platform and pier drilled into a coastal bluff headland overlooking Tide Beach Park, a public beach. The proposed lifeguard station and foundation are proposed to be placed in the same location as the previous structure and will be generally consistent with its previous size. The proposed lifeguard station will, however, be approximately 2 feet higher than the previous structure due to its pitched roof design. The project as proposed includes colorizing of the lifeguard station, and color and texturizing of the the concrete platform and imbedded pier to match the surrounding natural bluff. While it is not anticipated to occur for some time, if at all, in the event the imbedded pier should become exposed in the future, this advanced color/texturing will mitigate its effect on visual resources as it will more closely match the color of the surrounding natural bluff than if it were untreated concrete.

In summary, the proposed development is needed for public safety and will be colored to more closely match the adjacent natural bluff. Therefore, the Commission finds the potential visual impacts associated with the proposed development have been reduced to the maximum extent feasible, consistent with Section 30251 of the Coastal Act.

5. No Waiver of Violation. The previous lifeguard station and supporting foundation were removed without the benefit of a coastal development permit sometime in 1998 after being damaged by winter storms and after posing a risk to public safety. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

6. 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 is zoned and designated for open space/recreation under the County LCP and in the City of Solana Beach Zoning Ordinance and General Plan. The proposed development which includes replacement of an existing lifeguard station for public safety purposes 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.

7. 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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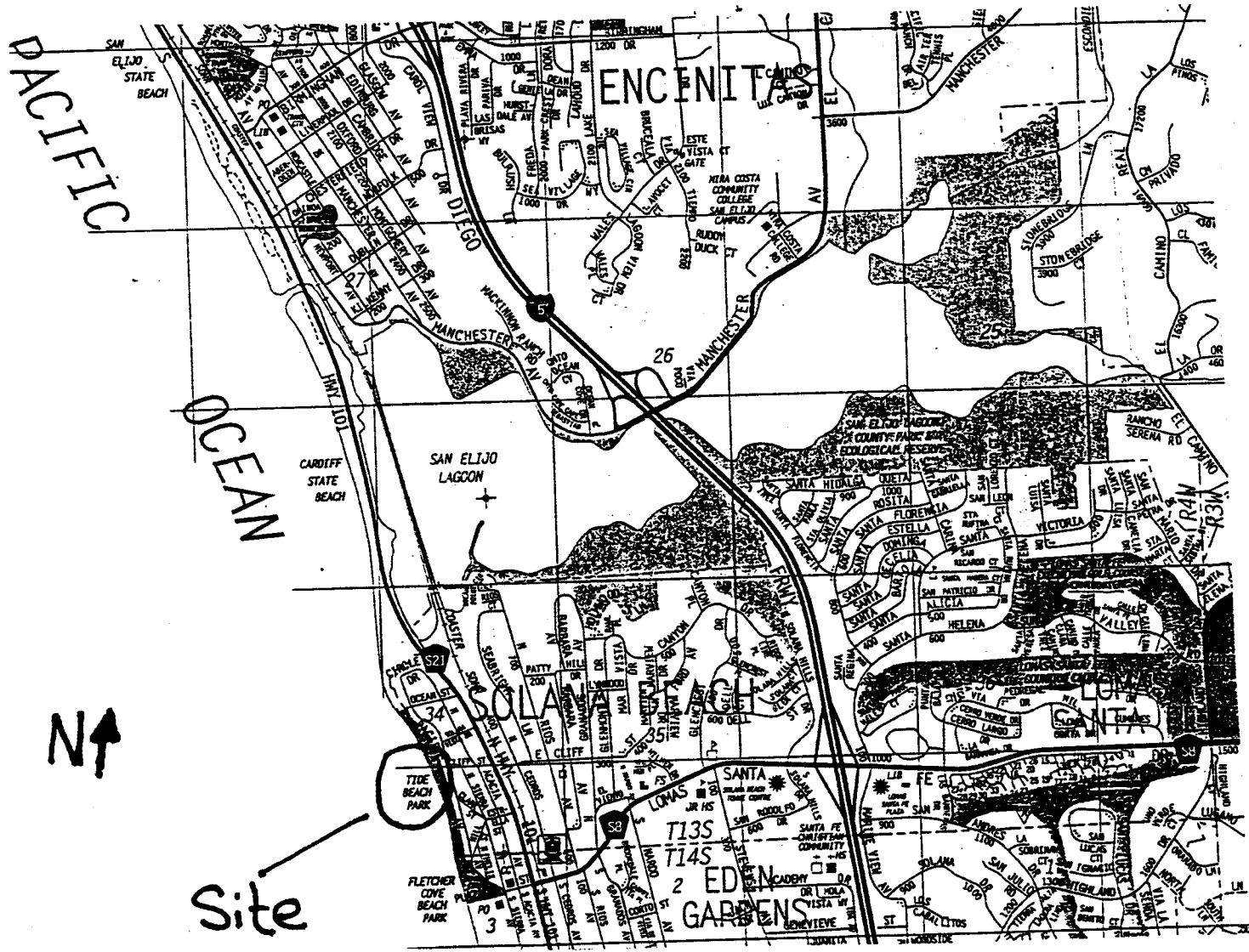
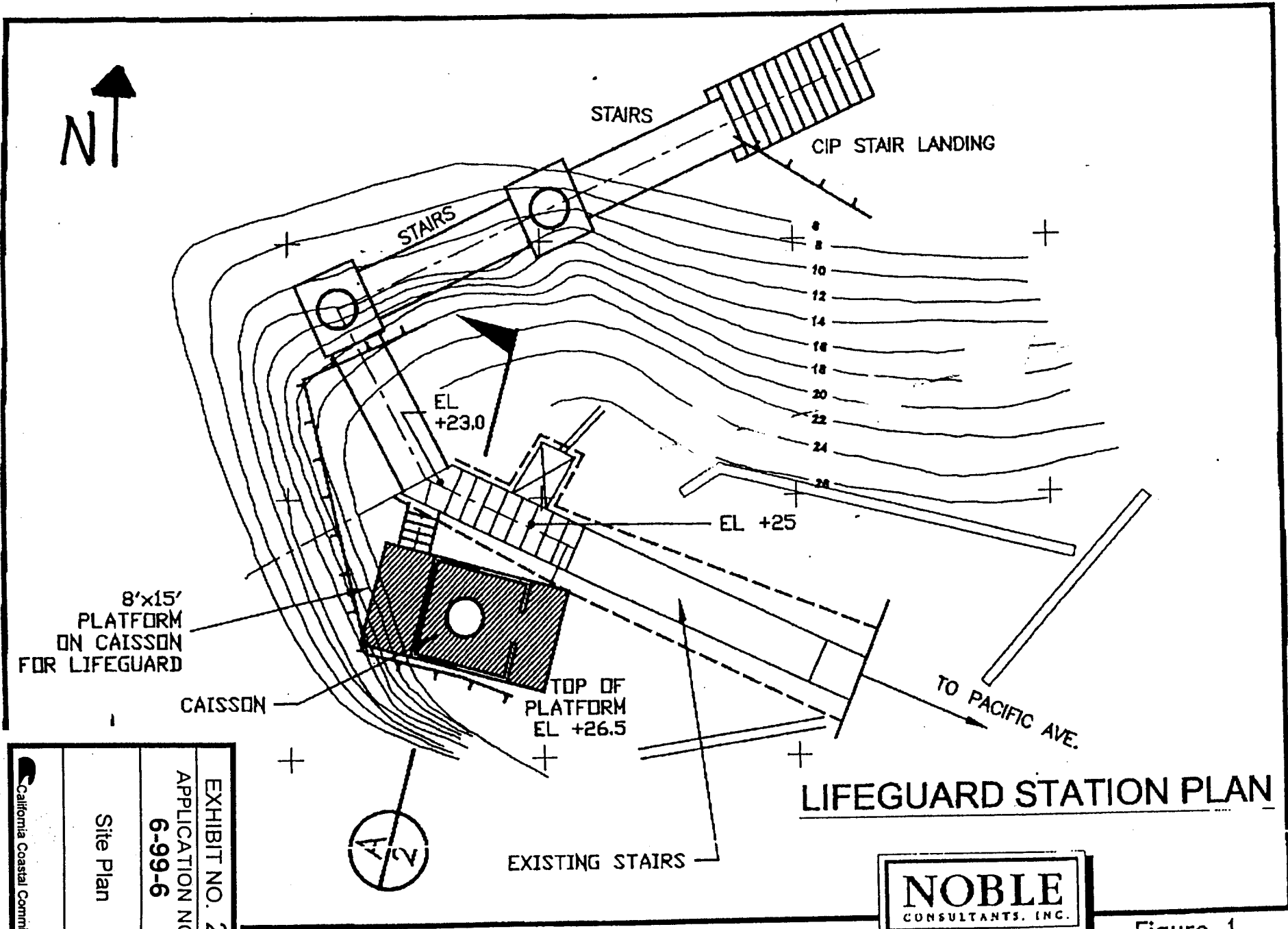


EXHIBIT NO. 1
APPLICATION NO. 6-99-6
Location Map
California Coastal Commission

6-99-6



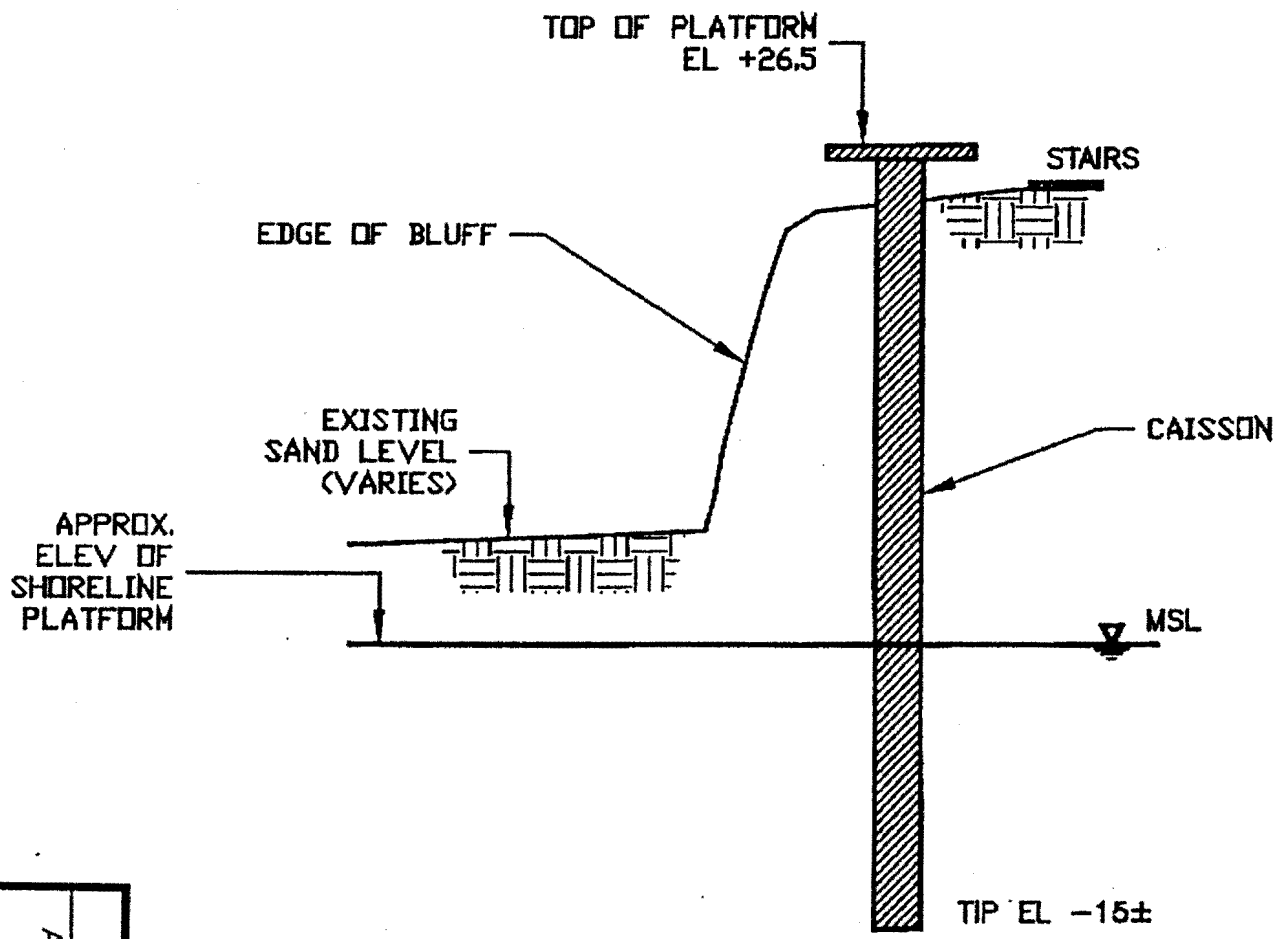
LIFEGUARD STATION PLAN



Figure 1

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

6-99-6

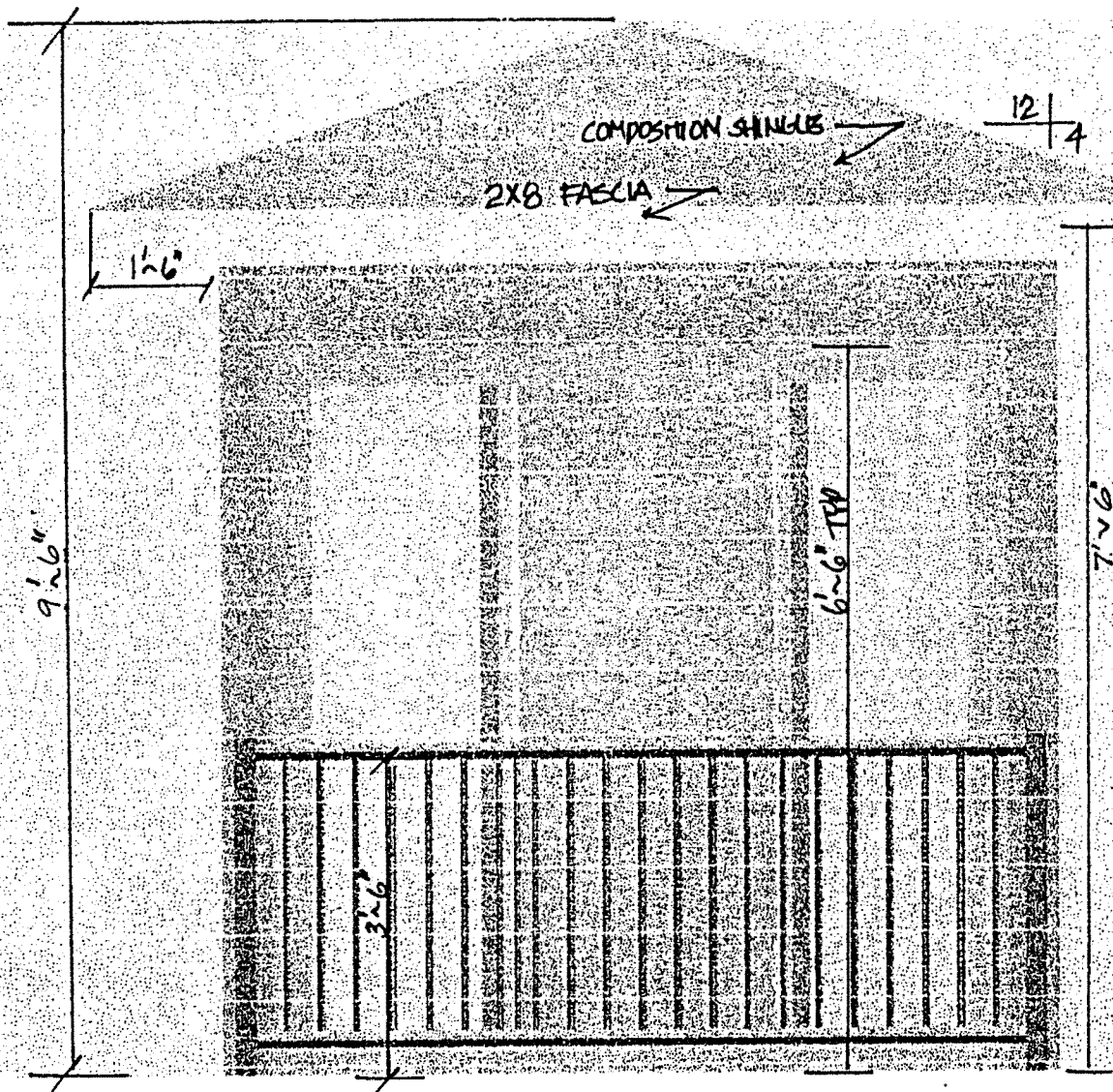


A
2 TYPICAL SECTION at LIFEGUARD STATION PLATFORM
SCALE: 1" = 10'-0"

	EXHIBIT NO. 3
	APPLICATION NO.
	6-99-6
	Cross-Section of Proposed Pier/Platform



Figure 2



WEST ELEVATION

EXHIBIT NO. 4
APPLICATION NO. 6-99-6
Preliminary Design of Lifeguard Station
California Coastal Commission