

CALIFORNIA COASTAL COMMISSION

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**Fri 7a**

January 27, 2000

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
DIANA LILLY, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE**

**SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT #1-99 TO THE
CITY OF IMPERIAL BEACH LOCAL COASTAL PROGRAM LAND USE
PLAN (For Public Hearing and Possible Action at the Meeting of February 15-18,
2000)**

SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

The City is proposing to revise two policies of the certified Land Use Plan to allow the construction of public access improvements and associated shoreline protection within the Ocean Boulevard right-of-way. The first change would add language to Policy P-13: Improving Access-ways, of the Parks, Recreation and Access Element of the General Plan/Coastal Plan to allow the City to construct improvements at the street ends north of Imperial Beach Boulevard in the unimproved right-of-way of Ocean Boulevard that provide or enhance vertical and lateral public access. Ocean Boulevard (sometimes referred to as Ocean Lane) is a "paper street" located seaward of and adjacent to the western property lines of the oceanfront parcels along Imperial Beach's shoreline. Additional language would also allow the City to construct lateral access improvements within the Ocean Boulevard right-of-way from the Imperial Beach Pier north to Daisy Avenue.

The second change would add language to Policy S-11: Storm Waves, Flooding and Seacliff Erosion, of the Safety Element of the Coastal Plan. The new language would permit the construction of vertical shore protection, structural support, and other improvements necessary to promote vertical and lateral public access to the beach, where enhanced public access to the beach is provided at street ends and parks within the Ocean Boulevard right-of-way.

The proposed amendment applies only to the area north of Imperial Beach Boulevard. The amendment is intended to allow the construction of new access improvements at the street ends north of Imperial Beach Boulevard, and lateral access, such as a walkway or boardwalk on the beach seaward of the private ocean-fronting parcels, extending from the newly developed Pier Plaza park at the Imperial Beach pier, north to Dunes Park at Daisy Avenue. The public access improvements would also allow for emergency vehicles and

maintenance equipment to access the beach. The amendment also provides for the construction of vertical shore protection to protect the public access improvements, as long as the improvements are minimized.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that, following a public hearing, the Commission deny the proposed City of Imperial Beach Land Use Plan Amendment 1-99 as submitted, and then approve the amendment subject to the suggested modifications listed below. The suggested modifications add language requiring that all public access improvements be located as far landward as feasible, be designed to minimize impacts on shoreline sand supply, and require that any necessary shoreline protection for such improvements be located within the stringline of authorized shoreline protection on either side. This will insure that public access is provided with only a minimum amount of beach encroachment. As modified, public access improvements and necessary shoreline protection at the street end at Palm Avenue would be allowed to extend beyond the stringline of shoreline protection in order to provide access over the existing groin at Palm Avenue.

The suggested modifications also delete language from the proposed amendment that would allow construction of lateral access improvements between the I.B. Pier and Daisy Avenue. The City has not yet developed conceptual plans for lateral access improvements in this area, and thus, it is unclear how much beach encroachment would be necessary to create such improvements, and whether lateral access could be provided without significant impacts to public recreation, access, visual quality, and shoreline sand supply. The City can re-apply for a future LCP amendment to address such improvements if still desired by the City, after a thorough alternatives analysis and CEQA review has been completed.

The appropriate resolutions and motions begin on page 5. The suggested modifications begin on page 7. The findings for denial of the Land Use Plan Amendment as submitted begin on page 8. The findings for approval of the plan, if modified, begin on page 14.

BACKGROUND

The City of Imperial Beach has approximately 17,600 feet of shoreline, approximately 12,000 feet or 68% of which is either publicly owned or has direct vertical or lateral access. This includes 6,000 linear feet of sandy beach owned by the State of California within the Borderfield State Park in the extreme southwest corner of the City.

The San Diego Unified Port District owns the Imperial Beach tidelands (which is defined as the distance from the mean high tide to a point in the submerged lands of the Pacific Ocean), and the Imperial Beach Pier. The Port District has also acquired approximately 7 acres of upland area consisting of Pier Plaza, Dunes Park, thirteen beach street-ends, and several privately owned lots. In December 1997, the Commission approved a Port Master Plan Amendment and Boundary Adjustment incorporating the land owned or leased by the Port in Imperial Beach into the Port Master Plan (PMPA #26). These lands

are now within the permit jurisdiction of the Port of San Diego, and are governed by the Port Master Plan. The Port Master Plan provides for the renovation and enhancement, including public access improvements, of thirteen street ends north of and including Imperial Beach Boulevard. However, Ocean Boulevard, a paper street on the beach west of the oceanfront parcels along Seacoast Drive, was excluded from the Port Master Plan Amendment and Boundary Adjustment and remains within the jurisdiction of the City of Imperial Beach. As the street ends terminate at the beach in the Ocean Boulevard right-of-way, any improvements in this location must be consistent with the Imperial Beach LCP.

The existing certified LCP is largely silent regarding public development within Ocean Boulevard. However, the LCP is clear that priority shall be given to improving accessways in general, and in particular, retaining public access at street ends. In addition, the existing LCP allows construction of shoreline protective devices only in limited cases. The proposed amendment would add language to the LUP clearly stating that the public access improvements are permitted in Ocean Boulevard, and permitting the construction of vertical shore protection associated with such public access improvements.

ADDITIONAL INFORMATION

Further information on the City of Imperial Beach LCP Amendment #1-99 may be obtained from Diana Lilly, Coastal Planner, at (619) 521-8036.

PART I. OVERVIEW

A. LCP HISTORY

On June 30, 1981, the City of Imperial Beach formally submitted its Land Use Plan (LUP) for Commission approval. The plan, as originally submitted, comprised the City's entire General Plan (10 elements and a policy plan). Since the plan contained a large volume of material that was not coastal-related and policies addressing coastal issues were found throughout many of the elements, staff summarized the coastal policies into one document. This policy summary along with the Land Use Element was submitted to the Commission as the LCP Land Use Plan.

On September 15, 1981, the Commission found substantial issue with the LUP, as submitted, denied and then conditionally approved the LUP with recommended policy changes for all policy groups. The City resubmitted the LCP Land Use Plan in early 1982, incorporating most of the Commission's suggested policy modifications. This included modification language related to the preservation and protection of Oneonta Slough/Tijuana River Estuary and South San Diego Bay, preservation and enhancement of coastal access and the provision for visitor-serving commercial uses in the Seacoast District. On March 16, 1982, the Commission certified the City of Imperial Beach LCP Land Use Plan as submitted. The land use plan was effectively certified by the Commission on November 18, 1982. In 1983, prior to certification of the Implementation Plan, the Commission approved an amendment to the LUP to correct a mapping error.

On August 15, 1983, the City began issuing coastal development permits pursuant to Section 30600.5 (Hannigan provisions) of the Coastal Act based on project compliance with its certified LUP. The City then submitted its entire Zoning Ordinance in order to implement the provisions of the certified Land Use Plan. The zoning ordinance was completely rewritten in order to implement the LUP. On September 26, 1984, the Commission approved the LCP/Implementation Plan as submitted. As of February 13, 1985, the City has been issuing coastal development permits under a certified local coastal program. Subsequent to the Commission's actions on the land use plan and implementation plan, there have been twenty amendments to the certified local coastal program.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- A. RESOLUTION I (Resolution to deny certification of the City of Imperial Beach Land Use Plan Amendment #1-99, as submitted)

MOTION I

I move that the Commission certify the City of Imperial Beach Land Use Plan Amendment #1-99, as submitted.

Staff Recommendation

Staff recommends a **NO** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution I

The Commission hereby denies certification of the amendment request to the City of Imperial Beach Land Use Plan and adopts the findings stated below on the grounds that the amendment will not meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will not be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use

plan amendment does not meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act; as there would be feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

- B. RESOLUTION II (Resolution to approve certification of the City of Imperial Beach Land Use Plan Amendment #1-99, if modified)

MOTION II

I move that the Commission certify the City of Imperial Beach Land Use Plan Amendment #1-99, if it is modified in conformance with the suggestions set forth in this staff report.

Staff Recommendation

Staff recommends a **YES** vote and adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution II

The Commission hereby certifies the amendment request to the City of Imperial Beach Land Use Plan if modified, and adopts the findings stated below on the grounds that the amendment will meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use plan amendment does meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act; as there would be no feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed Land Use Plan be adopted. The existing policy is listed first in *italics*, with the City's proposed new addition listed after. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language that the Commission suggests be deleted from the language as originally submitted.

[Existing language in certified LCP]

P-13 Improving Access-Ways

Priority shall be given to gaining and improving access-ways located in proximity to public parking areas and public transportation routes. The use of these access-ways shall be encouraged through the installation of appropriate signage. Said signage shall indicate, where applicable, the existence and location of nearby parking areas.

[Language proposed by the City of Imperial Beach to be inserted after the above sentence]

In the unimproved right-of-way of Ocean Boulevard north of Imperial Beach Boulevard, the City may construct improvements that provide, preserve, or enhance public access at the street ends and parks, whether vertical or lateral, or both, and which will continue to allow access for equipment for emergency and maintenance purposes. ~~The City may construct improvements to promote continuous lateral access in the unimproved right-of-way of Ocean Boulevard from the Imperial Beach Pier to Daisy Avenue.~~

[Existing language in certified LCP]

S-11 Storm Waves, Flooding And Seacliff Erosion

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, shoreline protection devices and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing principal structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Prior to completion of a comprehensive shoreline protection plan designed for the area, interim protection devices may be allowed provided such devices do not encroach seaward of a string line of similar devices.

New development fronting on Ocean Boulevard north of Imperial Beach Boulevard shall incorporate an engineered vertical seawall in its design if it is determined that shoreline protection is necessary. Such a seawall shall, except for required toe protection, be located within the private property of the development and shall be sufficient to protect the development from flooding during combined design storm and high tide events.

Any sand excavated during grading for any permitted development shall be analyzed for suitability for beach nourishment and shall be utilized therefore if found to be suitable.

The City should protect property by:

- a) Creating artificial dunes pursuant to SANDAG technical specifications.*
- b) Developing a coastal shoreline protection device ordinance for the design and construction of seawalls and revetments.*
- c) Developing erosion management measures such as irrigation controls, landscaping ordinances, and other measures suitable to the changing nature of the Imperial Beach shoreline.*
- d) Working in coordination with SANDAG and other coastal cities in developing a regional beach replenishment program and continuing to implement the adopted "Shoreline Preservation Strategy for the San Diego Region".*

[Language proposed by the City of Imperial Beach to be inserted after the above paragraph]

Where enhanced public access to the beach may be provided at street ends and parks and within the Ocean Boulevard right-of-way, the improvements may include vertical shore protection, structural support, pavement, walls, ramps and steps, and other improvements necessary to promote vertical and lateral public access to the beach. Beach encroachment by public improvements shall be minimized to the extent and located as far landward as feasible while meeting enhanced public access objectives. Public improvements shall be designed to avoid shoreline protection, if possible. Any necessary protection shall be the minimum necessary and shall not extend onto the beach further seaward than the authorized vertical shoreline protection on either side of the access improvements, or the inland extent of the Ocean Boulevard right-of-way, whichever is further seaward. An exception may be made for necessary protection associated with public improvements at the Palm Avenue street end, which may extend seaward a sufficient distance to accommodate a transition to the existing groin. All improvements shall be designed to minimize impacts to shoreline sand supply.

PART IV. FINDINGS FOR DENIAL OF THE CITY OF IMPERIAL BEACH LAND USE PLAN AMENDMENT #1-99, AS SUBMITTED

A. AMENDMENT DESCRIPTION. The City is proposing to revise two policies of the certified Land Use Plan to allow the construction of public access improvements and associated shoreline protection at various locations within the Ocean Boulevard right-of-way. The Ocean Boulevard right-of-way is a "paper street" located seaward of and adjacent to the western property lines of the oceanfront parcels along Imperial Beach's shoreline. The first change would add language to Policy P-13: Improving Access-ways, of the Parks, Recreation and Access Element of the General Plan/Coastal Plan to allow the City to construct improvements that provide or enhance vertical and lateral public access specifically at the streets ends north of Imperial Beach Boulevard in the unimproved right-of-way of Ocean Boulevard. In addition, language is

proposed which would allow the City to construct lateral access improvements within the Ocean Boulevard right-of-way from the Imperial Beach Pier north to Daisy Avenue.

The second change would add language to Policy S-11: Storm Waves, Flooding and Seacliff Erosion, of the Safety Element of the Coastal Plan. The new language would permit the construction of vertical shore protection, structural support, and other improvements necessary to promote vertical and lateral public access to the beach, where enhanced public access to the beach is provided at both the street ends and parks within the Ocean Boulevard right-of-way. The proposed revisions are intended to allow the construction of new access improvements and necessary shoreline protection both at street ends, and potentially a walkway or boardwalk seaward of the private ocean-fronting parcels and extending from the newly developed Pier Plaza park at the Imperial Beach pier, north to Dunes Park at Daisy Avenue.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are not in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights or private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan does not conform with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone.

C. CONFORMANCE WITH CHAPTER 3 OF THE COASTAL ACT

Several sections of the Coastal Act address the protection of coastal access and recreational resources, visual resources, and the construction of shoreline protective devices:

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 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, or,

[...]

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213.

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

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30235

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.

Section 30251

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.

Section 30253

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.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The existing LUP has many goals and policies relating to the provision and protection of public shoreline access and recreational resources. The City of Imperial Beach has approximately 17,600 feet of shoreline, approximately 12,000 feet or 68% of which is either publicly owned or has direct vertical or lateral access. This includes 6,000 linear feet of sandy beach owned by the State of California within the Borderfield State Park in the extreme southwest corner of the City. Development along the shoreline is at or near beach level, not on bluffs, and unlike many of San Diego County's northern beach areas, the City of Imperial Beach still has wide sandy beaches the majority of most years.

The San Diego Unified Port District owns the Imperial Beach tidelands (which is defined as the distance from the mean high tide to a point in the submerged lands of the Pacific Ocean), and the Imperial Beach Pier. The Port District has also acquired approximately 7 acres of upland area consisting of Pier Plaza, Dunes Park, thirteen beach street-ends, and several privately owned lots. In December 1997, the Commission approved a Port Master Plan Amendment and Boundary Adjustment incorporating the land owned or leased by the Port District into the Port Master Plan (PMPA #26). These lands are now within the permit jurisdiction of the Port of San Diego, and are governed by the Port Master Plan. However, Ocean Boulevard, a paper street on the beach west of the oceanfront parcels along Seacoast Drive, was excluded from the Port Master Plan Amendment and Boundary Adjustment and remains within the jurisdiction of the City of Imperial Beach.

Development adjacent to the shoreline south of Imperial Beach Boulevard, west of Seacoast Drive, consists predominantly of condominium buildings. A large riprap berm, some of which has existed since prior to passage of the Coastal Act, some of which has been permitted by the Commission and some of which has been placed without permits during storm conditions, fronts most of the shoreline development except at the street ends, where vertical access is available. North of Imperial Beach Boulevard, development along the shoreline consists mainly of multi-family residences, the newly constructed Pier Plaza public plaza, and several commercial developments north of the pier. Most of the shoreline development in this area is also fronted by riprap, in many cases unpermitted, unengineered rock or debris. However, as redevelopment in this area occurs, the revetment is gradually being replaced by vertical seawalls, consistent with the existing policies of the City's LCP, which requires that new development fronting Ocean Boulevard north of Imperial Beach Boulevard incorporate a vertical seawall, on private property, if shoreline protection is necessary. Vertical access is also available at all of the street ends.

The proposed amendment applies only to the area north of Imperial Beach Boulevard. It would allow the construction of public access improvements at the street ends north of Imperial Beach Boulevard, and lateral access, such as a boardwalk, within Ocean Boulevard (on the beach) between the I.B. Pier and Daisy Avenue, which is the location of Dunes Park. The public access improvements would also allow for emergency vehicles and maintenance equipment to access the beach. The amendment also provides for the construction of vertical shore protection if necessary to protect the public access improvements, as long as the improvements are minimized.

As cited above, the Coastal Act strongly supports the provision of public beach access and development that provides public recreational opportunities. Vertical access to the beach is already available at the street ends in Imperial Beach, but the accessways are unimproved and not generally handicapped accessible. The proposed amendment would make providing, preserving and enhancing public access at the street ends a priority under the Land Use Plan, which is consistent with the public access and recreation policies of the Coastal Act.

The proposed amendment would also allow for the creation of lateral access improvements in Ocean Boulevard from the I.B. Pier to Dunes Park. However, the City has not indicated at this time what that lateral access might consist of, or where it would be located, except that it would be in Ocean Boulevard, which is a publicly owned paper street on the sandy beach. When it has approved permits for improvements on sandy beach, the Commission has required that the improvements be located as far inland as possible, and be designed to either not require shoreline protection or only require shoreline protection that does not extend beyond the stringline of permitted shoreline protection, in order to minimize encroachment on the beach, and avoid the impacts to sand supply resulting from the shoreline protection. When hard structures protrude onto the beach in an uneven line, (instead of being smoothly integrated with surrounding structures), there is an increased possibility that wave action will result in scouring and erosion in front of the protection. In addition, the farther onto the beach development encroaches, the greater the impact on public access and the visual intrusion on the natural beach environment.

In the case of Imperial Beach, the existing "stringline" of shoreline protection along the beach between the pier and Dunes Park varies widely, and much of the protection consists of informal debris that has not been permitted or properly engineered. As proposed, "lateral access" could consist of any number of different types of improvements, each of which would have differing impacts on public recreation depending on the amount of beach encroachment. For example, lateral access could be constructed in the form of a raised permanent boardwalk located on public property with a concrete seawall on the beach, a concrete slab on private (commercial) property designed to be replaced if damaged by storms, a meandering sidewalk at beach level, an asphalt bikeway, or a path on top of a revetment. Each design would have different impacts on visual quality, public access, and sand supply. The amendment does not indicate whether the lateral access improvements would be provided in place of, landward of, or seaward of the existing protection. In addition, as currently proposed, the amendment does not provide any policy direction that the new improvements be designed to avoid the impacts to coastal resources associated with shoreline protective devices.

In addition, the proposed amendment does not specify where any necessary shoreline protection would be located. Section 30253 of the Coastal Act does not allow the construction of new development that would in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. There are a number of adverse impacts associated with the construction of shoreline

protective devices, including impacts to shoreline sand supply from fixing the back of the beach, scour impacts, alteration of the natural landscape, and impacts on public access and recreation from direct encroachment on the beach. However, in association with public access improvements, which improve access to the beach and recreational opportunities, shoreline protection could be found consistent with the Coastal Act if the protection does not alter natural landforms, and is designed to limit beach encroachment, visual impacts and impacts to shoreline sand supply.

The existing sandy shoreline of Imperial Beach is almost completely armored with a variety of engineered and informal protection. Construction of vertical shoreline protection, (as required under the proposed amendment), would not necessarily have any impact on natural landforms. However, as proposed, there are no provisions in the amendment that the protection be within the stringline of surrounding, authorized shoreline protection, which would minimize both visual impacts and impacts to sand supply from scour, etc. The amendment requires that shoreline protection be "minimized" to the extent feasible. However, this language could be interpreted to mean that shoreline protection should be small, but does not necessarily require that it be as far landward as feasible. Thus, the Commission cannot be assured that the proposed lateral access and shoreline protection would be designed to minimize encroachment on the beach and impacts to public recreation, access, and sand supply. Therefore, the Commission cannot find the LUP amendment consistent with the above-cited Chapter 3 policies of the Coastal Act and denies the amendment.

**PART V. FINDINGS FOR APPROVAL OF THE CITY OF IMPERIAL BEACH
LAND USE PLAN AMENDMENT #1-99, IF MODIFIED**

**A. SUMMARY FINDING/CONFORMANCE WITH SECTION 30001.5 OF
THE COASTAL ACT**

The Commission finds that the proposed LUP amendment for the Imperial Beach Land Use Plan is approvable, if modified, to ensure that encroachment on sandy beach area for new public access improvements and any required shoreline protection is reduced to the maximum extent feasible. These modifications are addressed in detail below. The Commission therefore finds the amendment, as recommended for modification, would be consistent with applicable Chapter 3 policies to the extent necessary to achieve the statewide goals as set forth in Section 30001.5 of the Act, as previously cited.

B. SPECIFIC FINDINGS FOR APPROVAL

As discussed above, as proposed, the amendment would allow for the construction of public access improvements at street ends north of Imperial Beach Boulevard, and lateral access improvements between the I.B. Pier and Daisy Avenue (Dunes Park). The amendment would also permit the construction of vertical shoreline protection associated with the public access improvements. However, the amendment does not require that either the improvements or the vertical protection be located as far landward as feasible,

which is necessary to ensure that only the amount of sandy beach necessary to provide public access is usurped by the improvements. In addition, as proposed, the amendment does not require shoreline protection be avoided if possible, and designed to minimize impacts to shoreline sand supply.

Street End Improvements/Shoreline Protection

Chapter 3 policies of the Coastal Act strongly support the development of improvements that facilitate public access and enable more people to access the beach and enjoy low cost recreational opportunities. However, Chapter 3 policies also promote preservation of sandy beach area. For this reason, in review of past proposed public projects on the sandy beach, the Commission has carefully considered the size, location, and benefits of proposed improvements in relation to the extent of sandy beach usurped and the potential for additional loss of sandy beach because of the need for shoreline protection.

Therefore, suggested modifications to the amendment revise Policy S-11, Storm Waves, Flooding and Seacliff Erosion, to require that the beach encroachment be located as far landward as feasible, and, (with one exception) no shoreline protection is allowed to extend onto the beach further seaward than the authorized shoreline protection on either side of the improvements. The Commission has recognized that there are instances where shoreline protection is required to protect existing development, and most of Imperial Beach's shoreline does have some form of protection. Historically, the issue has been the location and the amount of protection and extent of beach encroachment, not whether or not protection is required. Thus, allowing a minimal amount of vertical shoreline protection for public access improvement will not significantly increase the armoring of Imperial Beach's shoreline. However, given the history in Imperial Beach of unauthorized riprap, it is important to specify that beach encroachment cannot extend beyond authorized protection, to ensure that new development does not build-out beyond a legally authorized stringline. This policy will also encourage either the removal of illegal revetments, or if necessary, their replacement with vertical protection, in order to determine the appropriate stringline for new access improvements.

Palm Avenue Street End Improvements

One exception is built into the language of the suggested modification to allow for the construction of beach access improvements at the street end at Palm Avenue. The City is in the planning stages of formalizing and improving the shoreline access at Palm Avenue to create broad, decorative concrete walkway terminating in a semi-circular overlook, flanked by two ramps parallel to the beach. Access is currently available at the street end, but the existing access is located on a narrow strip on top of a substantial riprap groin which extends out into the ocean, and access to the sandy beach north and south of the berm is only available by climbing down the berm. Lifeguard and emergency vehicles generally cannot access the beach on either side of the accessway in the winter months. The proposed facility would improve public access and allow year-round access to the beach for people, wheelchair users, and public vehicles.

Because of the presence of the groin, there is no way to create beach access to either side of the groin without extending the improvements out onto the groin, and thus, beyond the stringline of the existing riprap protection on either side of the street end. Therefore, in this particular case, the advantage to the public from the improved public access outweighs the disadvantages of locating the improvements and any necessary shoreline protection seaward of the existing protection to the north and south. (The project is still required to be located as far landward as feasible). In addition, because the existing groin already represents a hard structure extending onto the beach, the proposed access improvements and/or associated shoreline protection are not expected to result in any additional impacts to shoreline sand supply from wave action and scour. However, in order to emphasize that all encroachment must be designed to minimize impacts to shoreline sand supply, language has been added to Policy S-11 requiring that all improvements be so designed. Finally, in this particular case, to allow the improvements to extend beyond the stringline of protection would not necessarily have an adverse visual impact, because as noted, the existing groin currently encroaches onto the shoreline. New access improvements would be expected to improve the scenic quality of the area.

As modified to require the improvements to be located as far landward as feasible, and any necessary shoreline protection for the improvements to be located behind the stringline of approved protection, the proposed street end improvements are not expected to have any adverse impacts on coastal resources. As modified, new access improvements will result in only a minimal amount of beach encroachment, and thus, impacts to sand supply and visual quality are expected to be insignificant. The City has reviewed each of the street ends and tentatively concluded that access improvements can be constructed without the need to construct shoreline protection beyond the approved stringline of adjacent protection.

Lateral Access from Imperial Beach Pier to Daisy Avenue

In contrast, a lateral accessway, as would be allowed under the proposed amendment, has the potential to result in a significant encroachment on the beach, depending on how far seaward the walkway or boardwalk is located. Unlike the Palm Avenue and other street end improvements, the City does not have any draft design for lateral access improvements between the I.B. Pier and Dunes Park. Most of the revetment in this area is informal and not authorized. Yet the proposed amendment does not specify where the lateral access would be located; for example, whether it would partially or totally replace the unauthorized revetment, would be located seaward of it, whether the walkway could be aligned with approved shoreline protection on either side of the walkway, or whether it would extend seaward onto the beach. Without additional research and design considerations, it is unknown whether replacement of the existing revetment with vertical protection would be necessary, and whether the vertical accessway itself would require shoreline protection.

It is unknown at this time how a walkway could and should be aligned in order to provide meaningful access while still minimizing beach encroachment and impacts to visual

quality and sand supply. It would be inappropriate to add policy language in the Land Use Plan directing that the accessway be located on private property, for example, or be within the stringline of adjacent shoreline protection, since neither option may be feasible. It is unclear what "as far landward as feasible" would mean for lateral access improvements in this location. It is possible that improved lateral access may not be appropriate in this location. Lateral access is already available in this area on the sandy beach, seaward of the existing rock revetment. However, once a particular design is developed, it may be found that the provision of lateral access can be achieved with few or no impacts on public recreation. Thus, it is premature to try to design policies for a lateral accessway in the absence of such information. Therefore, suggested modifications remove the proposed reference to a lateral accessway in the subject amendment. As modified, the amendment would only allow "lateral" improvements at each street end, designed specifically to allow access to the beach. Improvements connecting the street ends, such as a boardwalk or bikeway, would not be permitted.

In conclusion, the proposed amendment is designed to promote and preserve public access to the shoreline. Suggested modifications add policy language ensuring that new public improvements will encroach on the beach as little as feasible, that new shoreline protection is either avoided or at least does not result in impacts to sand supply, and that shoreline protection does not encroach beyond the approved shoreline protection stringline to either side of the site. As modified, the proposed amendment is consistent with the public access, recreation, visual; and shoreline processes policies of the Coastal Act.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

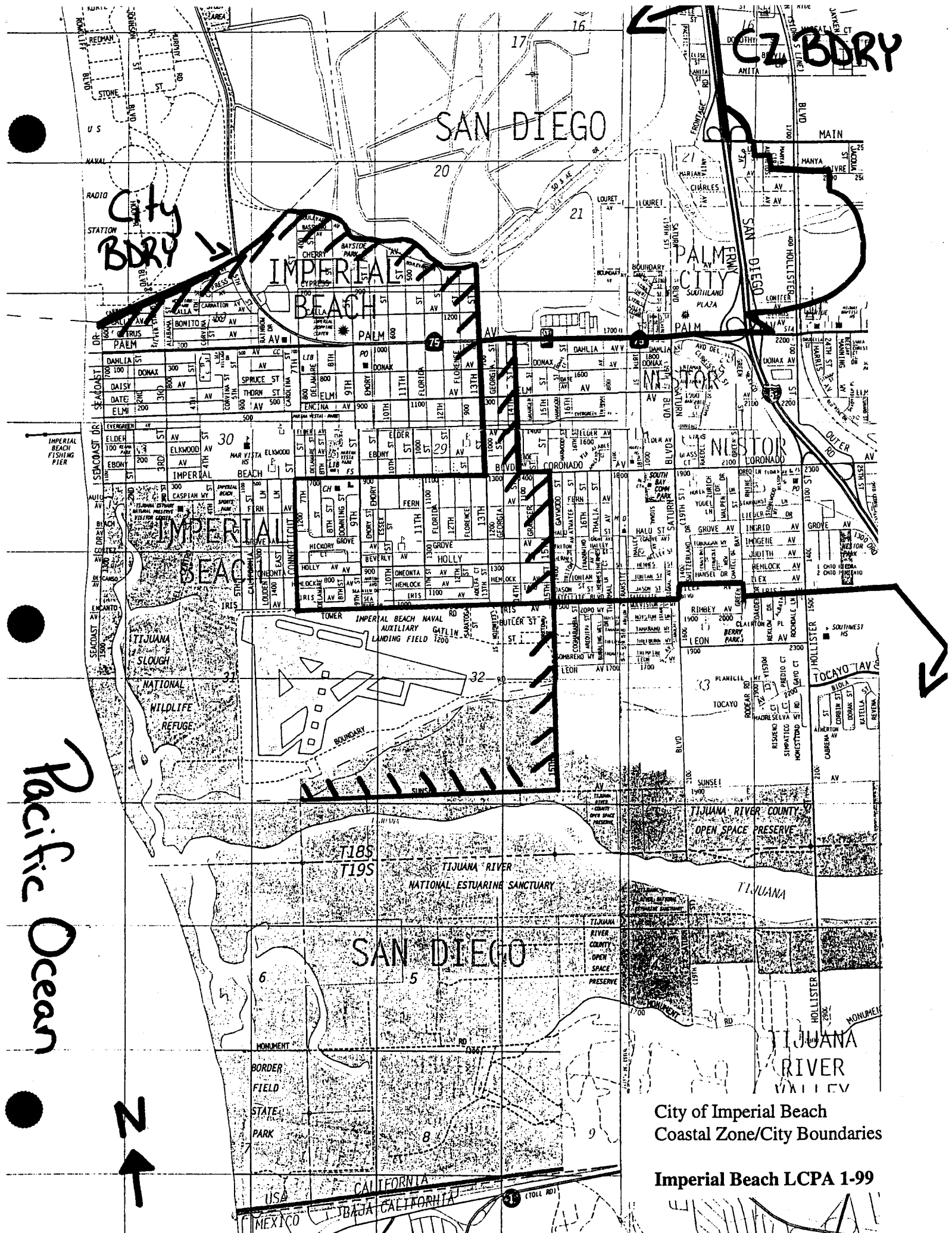
Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform to CEQA provisions. In the case of the subject LCP amendment, the Commission finds that approval of the subject LCP amendment, as submitted, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act.

As modified herein, the proposed amendment to the City of Imperial Beach Land Use Plan has been found consistent with the Chapter 3 policies of the Coastal Act. Individual projects resulting from the proposed changes would require coastal development permits either issued by the City of Imperial Beach, the Port of San Diego, or, in areas of original

jurisdiction, by the Coastal Commission. Therefore, the Commission finds that no significant, unmitigatable environmental impacts under the meaning of CEQA will result from the approval of the proposed LCP amendment.

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City of Imperial Beach
 Coastal Zone/Zone Boundaries
 Imperial Beach LCPA 1-99



Imperial Beach Shoreline
Detail
Imperial Beach LCPA 1-99

RESOLUTION NO. 99-5168

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING GENERAL PLAN/LOCAL COASTAL PROGRAM AMENDMENT GPA/LCPA 99-02, AN AMENDMENT TO POLICY P-13 OF THE PARKS, RECREATION AND ACCESS ELEMENT AND TO POLICY S-11 OF THE SAFETY ELEMENT THAT WOULD PROVIDE FOR PUBLIC ACCESS IMPROVEMENTS WITHIN THE OCEAN BOULEVARD RIGHT OF WAY NORTH OF IMPERIAL BEACH BOULEVARD TO CARNATION AVENUE.

APPLICANT: CITY OF IMPERIAL BEACH

The City Council of the City of Imperial Beach does hereby resolve as follows:

WHEREAS, on November 17, 1999, the City Council of the City of Imperial Beach held a duly advertised public hearing to consider the merits of approving or denying General Plan/Local Coastal Program Amendment GPA/LCPA 99-02, a request to amend Policy P-13 of the Parks, Recreation and Access Element, and Policy S-11 of the Safety Element, as indicated in Exhibit "A"; and,

WHEREAS, based on an environmental initial assessment per the requirements of the California Environmental Quality Act (CEQA), it was determined that the Local Coastal Program Amendment is consistent with the City's certified General Plan/Local Coastal Program and Environmental Impact Report (1994). The language added to Policies P-13 and S-11 will provide guidelines for the orderly evaluation of proposed public access projects within the Ocean Boulevard public right-of-way in a manner consistent with the environmental protection purposes of the Local Coastal Program; and,

WHEREAS, the California Coastal Commission will independently review the proposed amendment for compliance with the California Environmental Quality Act pursuant to Section 21080.5 of the Public Resources Code; and,

WHEREAS, at said meeting of November 17, 1999, a motion was duly made and seconded to adopt a Resolution approving General Plan/Local Coastal Program Amendment GPA/LCPA 99-02, a request to amend Policy P-13 of the Parks, Recreation and Access Element, and Policy S-11 of the Safety Element, as indicated in Exhibit "A", based upon the following findings:

1. The proposed amendments to Policy P-13 of the Parks, Recreation and Access Element and to Policy S-11 of the Safety Element are consistent with the provisions of the certified Coastal land Use Plan. Specifically, Policy C0-1 of the Conservation Element promotes continued public access to the beaches, and the provision of additional access where

feasible. Ocean Boulevard provides "active" lateral access (Table P-2 of the Parks, Recreation and Access Element). The amendment will provide for improved public access, while minimizing seaward encroachment to the maximum extent feasible, within the Ocean Boulevard public right-of-way.

2. The proposed amendments to Policy P-13 of the Parks, Recreation and Access Element and to Policy S-11 of the Safety Element are consistent with the public access and recreation standards of the California Coastal Act. The amendment provides for the integration of public coastal access and beach street end vertical access points and beachfront public parks.
3. The Amendment will take immediate effect upon certification by the California Coastal Commission.
4. Resolution No. 99-5114, adopted by the City Council on August 4, 1999, is hereby rescinded.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Imperial Beach hereby approves General Plan/Local Coastal Program Amendment GPA/LCPA 99-02, a request to amend Policy P-13 of the Parks, Recreation and Access Element, and Policy S-11 of the Safety Element, as indicated in Exhibit "A," and directs the City Clerk to transmit the Resolution to the California Coastal Commission for review certification.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held on the 17th day of November, 1999, by the following roll call vote:

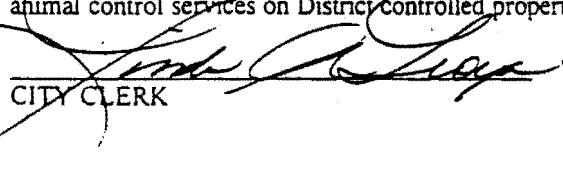
AYES:	COUNCILMEMBERS:	ROSE, WINTER, BENDA, McCOY, MALCOLM
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE

DIANE ROSE
DIANE ROSE, MAYOR

ATTEST:

LINDA A. TROYAN
LINDA A. TROYAN, CMC
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 99-5157 - A Resolution of the City of Imperial Beach authorizing the City Manager to execute the Second Amendment to the Agreement dated December 10, 1996, between the City the San Diego Unified Port District for animal control services on District Controlled property within the corporate limits of the City.


CITY CLERK

DATE 11/19/99

EXHIBIT A

Note: Underlined text is new text.

Policy P-13 of the Parks, Recreation and Access Element of the General Plan/Local Coastal Plan is hereby amended to read:

P-13 Improving Access-ways

Priority shall be given to gaining and improving access-ways located in proximity to public parking areas and public transportation routes. The use of these access-ways shall be encouraged through the installation of appropriate signage. Said signage shall indicate, where applicable, the existence and location of nearby parking areas. In the unimproved right-of-way of Ocean Boulevard north of Imperial Beach Boulevard, the City may construct improvements that provide, preserve, or enhance public access at the street ends and parks, whether vertical or lateral, or both, and which will continue to allow access for equipment for emergency and maintenance purposes. The City may construct improvements to promote continuous lateral access in the unimproved right-of-way of Ocean Boulevard from the Imperial Beach Pier to Daisy Avenue.

Policy S-11 of the Safety Element of the City's General Plan/Local Coastal Plan is hereby amended to read:

S-11 Storm Waves, Flooding and Seacliff Erosion

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, shoreline protection devices and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing principal structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Prior to completion of a comprehensive shoreline protection plan designed for the area, interim protection devices may be allowed provided such devices do not encroach seaward of a string line of similar devices.

New development fronting on Ocean Boulevard north of Imperial Beach Boulevard shall incorporate an engineered vertical seawall in its design if it is determined that shoreline protection is necessary. Such a seawall shall, except for required toe protection, be located within the private property of the development and shall be sufficient to protect the development from flooding during combined design storm and high tide events.

Any sand excavated during grading for any permitted development shall be analyzed for suitability for beach nourishment and shall be utilized therefore if found to be suitable.

The City should protect property by:

- a) Creating artificial dunes pursuant to SANDAG technical specifications.
- b) Developing a coastal shoreline protection device ordinance for the design and construction of seawalls and revetments.
- c) Developing erosion management measures such as irrigation controls, landscaping ordinances, and other measures suitable to the changing nature of the Imperial Beach shoreline.
- d) Working in coordination with SANDAG and other coastal cities in developing a regional beach replenishment program and continuing to implement the adopted "Shoreline Preservation Strategy for the San Diego Region".

Where enhanced public access to the beach may be provided at street ends and parks and within the Ocean Boulevard right-of-way, the improvements may include vertical shore protection, structural support, pavement, walls, ramps and steps, and other improvements necessary to promote vertical and lateral public access to the beach. Beach encroachment by public improvements shall be minimized to the extent feasible while meeting enhanced public access objectives.

Proposed Land Use Plan
Amendment

Imperial Beach LCPA 1-99

