

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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767-2370

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STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of Imperial Beach

DECISION: Approved with Conditions

APPEAL NO.: A-6-IMB-00-186

APPLICANT: City of Imperial Beach and Port of San Diego

PROJECT DESCRIPTION: Construction of a beach street end overlook with a 60 foot long concrete access ramp to the north and a 42 foot long sand access ramp to the south of the street end. Vertical sheetpile seawalls will protect both access ramps. The semi-circular overlook will be 1,930 sq.ft. and will partially cover an existing concrete slab that extends over an existing revetment and groin.

PROJECT LOCATION: Ocean Boulevard public right-of-way abutting the western terminus of Palm Avenue and adjacent properties to the north for an approximate distance of 42 feet., Imperial Beach, Imperial Beach, San Diego County.

APPELLANTS: Nancy Schmidt; Surfrider Foundation: San Diego Chapter

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. Consistent with the certified LCP and the public access and recreation policies of Chapter 3 of the Coastal Act, the project will improve public access and recreational opportunities at Palm Avenue while preserving public views and minimizing encroachment on the beach.

SUBSTANTIVE FILE DOCUMENTS: Negative Declaration EIA 99-11, May 17, 2000; "Geotechnical Investigation and Shoreline Protection Study for Palm Avenue and Carnation Avenue Street End Improvements Imperial Beach" dated December 1, 2000; City of Imperial Beach certified Local Coastal Program (LCP); City of Imperial Beach Staff Resolution 2000-5318.

I. Appellants Contend That:

The proposed development is inconsistent with the policies of the certified LCP which pertain to encroachment on sandy beach, the construction of shoreline protective devices, the protection of public access and view corridors at street ends, and sensitive habitat protection.

II. Local Government Action.

On May 3, 1999, the Imperial Beach Tidelands Advisory Committee reviewed and approved the project, and on May 25, 1999, the Imperial Beach Design Review Board approved the project. On May 17, 2000, the City Council reviewed the project, then accepted a withdrawal of the project so that Port District and City staff could receive additional public input. On November 1, 2000, the Coastal Development Permit was approved by the City Council with a number of conditions, including conditions requiring that any future private shore protection must tie into the established stringline of shore protection on private property, not the vertical walls associated with the subject project, prohibiting work on weekends between Memorial Day and Labor Day, increasing enforcement of the dog leash law in the area, posting interpretive signage regarding sensitive bird species at Seacoast Drive and Carnation Avenue, development and implementation of a grunion monitoring program, implementation of a water quality Best Management Practices plan, and requiring maintenance of the proposed accessways and seawalls.

III. Appeal Procedures/Substantial Issue Analysis.

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Projects within cities and counties may be appealed if they are located within mapped appealable areas.

Section 30604(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to a de novo hearing on the merits of the project. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo hearing, any person may testify.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs. titl. 14 section 13155(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the County does not raise a substantial issue with regard to the appellants' contentions regarding coastal resources.

IV. Staff Recommendation On Substantial Issue.

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission determine that Appeal No. A-6-IMB-00-186 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-6-IMB-00-186 does not present a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

Findings and Declarations.

1. Project Description/History. The proposed project is construction of a beach overlook and two access ramps to the north and south of the Palm Avenue street end in Imperial Beach: a 60 foot long concrete access ramp to the north and a 42 foot long sand access ramp to the south (see site plan, cross-section, and location map attached to Exhibit 1). Approximately 500 sq.ft. of grouted toe stone would be buried at the end of the north access route. Vertical sheetpile seawalls driven to a depth ranging from -12.5 - to -16.2 feet MLLW will protect both access ramps. The overlook will include two areas to be used for placement of seasonal lifeguard stations.

Palm Avenue is approximately 4 blocks south of the City of Imperial Beach's northern limits. Currently, the area consists of unimproved sandy beach and an existing rock groin extending from the end of the street into the water. The groin was constructed in 1961 by

the Army Corps of Engineers (ACOE), and was intended to be part of an offshore breakwater. The ACOE determined that the groin was ineffective in retaining sand and the project was never completed. A concrete platform extending approximately 65 feet west of the street end has been laid over the groin and is used by lifeguards and the public because of the unobstructed views from the platform. Randomly placed armor stones are scattered around the main groin area.

Because Palm Avenue slopes upward from Seacoast Drive, there are no water views available from Seacoast Drive across Palm Avenue. Views to the water become available from about halfway up Palm Avenue from Seacoast Drive. From this point on, Palm Avenue provides an open-air view towards the water. Palm Avenue is a protected view corridor in the certified LCP. Public parking is provided at the street end.

Shoreline protection in front of the developed sites to north and south of the street generally consist of vertical seawalls fronted by riprap, much of which appears unengineered and may be unpermitted. The two lots immediately north of the street end are vacant and do not have any shoreline protection.

Access to the beach is currently available from the Palm Avenue street end, but is often difficult as the sand level drops significantly in the winter and people must traverse the groin and riprap to get to beach level. Access to the north is particularly difficult from the street end, and typically, pedestrians get to the sand north of Palm Avenue across the currently vacant private lot adjacent to the street end. This property is zoned Residential R-1500, which would allow multi-family residential development up to 21 dwelling units per net acre, which would, if constructed, preclude pedestrian access across the site. Vehicle access over the groin can also be problematic, and the City typically pushes up sand around at least one side of the groin to create sand ramps to allow lifeguard vehicles to reach the beach.

The project is intended to provide visual and physical access to the beach and establish year-round lateral beach access including handicapped access and lifeguard and emergency vehicle access by providing a permanent transition from the groin/street end to the beach. The project involves either removing the loose riprap around the site or incorporating it into the toestone at the proposed northern access ramp. The semi-circular public overlook area created at the street end will cover the portion of the existing concrete slab just west of the street end. The southern ramp surface will consist of sand, while the northern ramp will be paved to provide a wheelchair-friendly surface. A seasonal lifeguard tower will be located on the southern side of the overlook so direct access to the beach from a ladder over the groin will be available, and so the tower does not block views down the street end.

The line of private property on the north side of Palm Avenue is offset such that the seaward edge of the private lot is located approximately 20 feet seaward of the private property line south of the street end. So that the north and south ramps would line up, the City obtained an easement from the northern property owner that allows the majority of the northern ramp to be constructed on private property. The only portion of the northern ramp on the public beach would be a portion of the proposed seawall (see Exhibit #5).

The project is part of a larger project involving the renovation of the entire Palm Avenue street end including creation of a decorative concrete plaza, landscaping, public art, lighting, seating and parking. An existing pump station in the middle of Palm Avenue would be relocated slightly to the north and a low flow diversion system installed. Only the portion of the project within the Ocean Boulevard public right-of-way (the ramps and the westernmost portion of the plaza/overlook) is within the City's coastal permit jurisdiction and covered by the subject appeal. The upland portion is within the Port of San Diego's jurisdiction and will be covered by the Port District's coastal development permit.

2. Public Access, Recreation, and Shoreline Processes. The following policies of the certified City of Imperial Beach apply to the proposed project:

CO-1 The Beach

Imperial Beach has few industries and must, therefore, rely on the attraction of tourists for economic development. The beach area is most critical and the City should:

1. Designate the beach as open space.
2. Retain public ownership of the beaches.
3. Insure continued public access to beaches and, where possible, provide additional access, as well as increased public parking opportunities in the beach area (see Parks, Recreation and Access Element).
4. Require landscaping of properties near the beach area to attain a pleasant visual image.
5. Assure continued replenishment of sand.

P-1 Opportunities For All Ages, Incomes, and Life Styles

To fully utilize the natural advantages of Imperial Beach's location and climate, a variety of park and recreational opportunities for residents and visitors shall be provided for all ages, incomes and life styles.

This means that:

- a. The beach shall be free to the public.
- b. Recreational needs of children, teens, adults, persons with disabilities, elderly, visitors and others shall be accommodated to the extent resources and feasibility permit.
- c. City residents need mini-parks, neighborhood parks, community parks, activity centers, special use and all-purpose parks.

- d. The City should pursue increased recreational opportunities for the general public in the Tijuana Estuary, Borderfield State Park, the beach and the South San Diego Bayfront.

P-2 Ocean and Beach Are The Principal Resources

The ocean, beach and their environment are, and should continue to be, the principal recreation and visitor-serving feature in Imperial Beach. Oceanfront land shall be used for recreational and recreation-related uses whenever feasible.

GOAL 14 SHORELINE ACCESS

To provide physical and visual access in the City's five coastal resource areas for all segments of the population without creating a public safety concern, overburdening the City's public improvements, or causing substantial adverse impacts to adjacent private property owners.

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 public 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.

P-14 Retain Existing Street Ends

All existing street ends under City ownership that provide public access to coastal resources, including bays, shall be retained for streets, open space or other public use. View corridors shall be protected and in no case shall buildings be permitted on or bridging the streets. The City shall approve detailed design plans for each street end.

GOAL 16 SHORELINE PROTECTION

To manage the City's shoreline in a way which enhances the shoreline environment while also providing recreational opportunities and property protection.

S-1 Technical Studies

No development should proceed until geo-technical investigations and recommendations are completed concerning potential soils, geologic, seismic and/or flood hazards and to determine which land uses (if any) are appropriate for the site, and to determine what measures could be undertaken to reduce risks to life and property.

S-10 Regulate Shoreline Land Use and Development

The City should regulate shoreline land use and development by:

- a) Minimizing construction on beaches and in front of seacliffs.
- b) Require setbacks from beaches and low-lying coastal areas.
- c) Regulate sand mining if some were to occur.

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. 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, in the absence of contiguous shoreline protection, the alignment cannot extend further seaward than the inland extent of Ocean Boulevard right-of-way. 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.

Historically, the Commission has recognized that shoreline development in Imperial Beach is subject to wave action and damage and requires protections. South of Imperial Beach Boulevard, the established form of protection has been rock revetment, although ideally this will be gradually converted to vertical seawalls over time. North of Imperial Beach Boulevard, the LPC generally requires that any required shoreline protection to protect private structures be in the form of vertical seawalls located on private property.

On February 18, 2000, the Commission approved an amendment to the City's Local Coastal Program (LCP) pertaining the construction of public access improvements in Ocean Boulevard. Policies P-13 and S-11 were amended to specifically allow for the construction of public access improvements such as the proposed project in the unimproved right-of-way of Ocean Boulevard north of Imperial Beach Boulevard. In general, shoreline protection associated with these public improvements may not extend

onto the beach further seaward than the authorized vertical shoreline protection on either side of the access improvements; or, in the absence of contiguous shoreline protection, the alignment cannot extend further seaward than the inland extent of Ocean Boulevard right-of-way.

However, the Commission recognized at the time the amendment was approved that public access improvements at the Palm Avenue street end would necessarily have to extend further onto the beach than the inland extent of Ocean Boulevard due to the presence of the existing groin. As noted previously, the groin currently impedes access to and along the beach, and any new accessways must be able to accommodate access from the street end, over the groin, and down onto the beach. Thus, the language in the approved LCP allows shoreline protection associated with the improvements to extend seaward a sufficient distance to accommodate a transition from the existing groin to the sandy beach. The improvements must still be the minimum necessary, and designed to minimize impacts to sand supply.

The proposed project does involve the construction of public improvements including vertical shoreline protection and toestone on public beach, and the protection would encroach further onto the beach than the inland extent of Ocean Boulevard. The City reviewed a wide range of alternatives in developing the proposed project design. Exhibit #4 attached to this report describes just six of the alternatives analyzed by the City (the project description and analysis also includes the entire Palm Avenue Street end enhancement project, including the upland redevelopment which is not the subject of this appeal and will be reviewed separately under a coastal development permit to be issued by the Port of San Diego). Alternative 1 (Revised) is the proposed project.

The alternatives analysis looked at ways in the which the encroachment on the beach could be limited, while still maximizing public access, and maintaining and improving lifeguard access. The design of any access improvement project at Palm Avenue is constrained by the need to provide both vehicle access and handicapped access, which dictate both the width and steepness of any access ramps, among other things. For example, stairs would not be a feasible alternative, even though stairways would likely not encroach as much on the sandy beach as ramps would.

The City's proposed alternative was redesigned several times before the plan was finalized. Because of the presence of the jetty, most of the scour occurs on the north side of groin, while sand tends to accumulate on the south. Originally, both the northern and the southern ramp would have been approximately 100 feet in length. In this design, the northern ramp would have gradually sloped (according to ADA requirements) down from the plaza until it reached the beach at the lower scour elevation, approximately elevation 0 feet MLLW. At this point, the end of the ramp would rest on the beach even during the winter when sand levels are fairly low. However, in order to reduce the amount of beach encroachment, the project was redesigned so that the southern ramp is only 42 feet long which is long enough to reach the typical beach elevation on the south of the jetty, and the northern ramp is 60 feet long, at the same steepness, such that the ramp terminates at elevation +8 MLLW. In the summer, this is contiguous with beach elevation, but in winter storm conditions, the beach level gets much lower. Thus, a grouted rock revetment has been proposed at the terminus of the northern ramp. The revetment will

prevent undercutting of the ramp, reduce scour, and allow ADA access to the beach even when sand levels drop (the revetment will be rough but traversable). However, the City has indicated that they will maintain the sand around the ramp such that revetment will be buried at almost all times.

It is important to note that the slope of any access ramps must be fairly gradual in order to meet ADA requirements. Other alternatives the City looked at included lowering the elevation of the overlook, and/or locating the ramps within the plaza area, in order to reduce the amount of the ramp that would be located on the beach (see Alternative 2, and 5). These alternatives would variously reduce the viability of the overlook for the public and for the lifeguards, create a lowered "well" within the plaza, disrupting the plaza and creating an area where water and debris could pool, and raising safety concerns, since people on the ramp would not be visible from surrounding areas.

Alternative 3 offers a curvilinear seawall design which would provide only a stairway to the south and would have more beach encroachment. Alternative 4 portrays an alternative shore protection to vertical seawalls in the form of an armor blanket backfilled with sand. The encroachment on the beach would be substantially greater than the proposed design.

The two other alternatives involve constructing east/west access ramps paralleling Palm Avenue to the north and south (see Alternative 6 and Schmidt Alternative). The Schmidt Alternative is a design suggested by a member of the public to reduce beach encroachment; Alternative 6 is the City and Port District's evaluation of what would be required to construct a feasible east/west project design. The Schmidt design does not include any shoreline protection in front of the ramps. However, an engineering study submitted by the Port indicates that even an east/west ramp design would require vertical seawalls along the oceanfront to reduce wave runup.

East/west ramps are clearly particularly vulnerable to waves coming up the ramps and flooding inland areas. Even for north/south walls, according to the "Geotechnical Investigation and Shoreline Protection Study for Palm Avenue and Carnation Avenue Street End Improvements Imperial Beach" report, the wave runup analysis for a 100 year storm event recommends shoreline protection for overtopping at an elevation of 20 feet MLLW. However, based on other considerations such as preservation of the view corridor at Palm Avenue, the proposed project's seawalls are only 15 feet MLLW (thus, occasional wave overtopping is expected). A project design with east/west ramps without any shoreline protection would not be feasible.

In addition, the Schmidt design would not provide an adequate turning radius for lifeguard vehicles. An east/west design with an adequate turning radius and the minimal amount of required protection would require that the vertical seawalls extend 20 feet further onto the beach than the proposed alternative. In addition, a design with east/west ramps would not provide adequate lateral access. Pedestrians or lifeguard vehicles would have to travel east up one ramp, across the plaza north/south, then west down the other ramp to get to the beach. The width of the street would not provide an adequate turning radius for lifeguard trucks to easily accomplish this maneuver.

East/west ramps would also require that the temporary lifeguard tower be placed in the middle of the street end, rather than on the southern side, as proposed. (Eventually, a temporary tower may be located on the north side of the overlook as well). Placing the lifeguard tower directly in the middle of the street, with ramps to either side of it, would eliminate the pedestrian overlook portion of the project and limit pedestrian views and access to the jetty. This would be inconsistent with Policy P-14 of the certified LCP, which requires that view corridors on existing street ends be protected. It would also make it difficult if not impossible for the lifeguard ladder to extend over the groin and directly onto the beach, which is the purpose of locating the lifeguard tower directly above the beach on the south side of the overlook.

In summary, the City is proposing a project in the unimproved right-of-way of Ocean Boulevard, to improve public access, consistent with Policy P-13 of the certified LCP. The view corridor at Palm Avenue will be protected, as required by Policy P-14. The project will involve some encroachment of shoreline protection on sandy beach. The Commission previously acknowledged in approving Policy S-11, that given the presence of the existing groin, gaining year-round public vehicle and pedestrian access from the street end over the groin to the beach would require beach encroachment.

The City performed an extensive alternatives analysis looking at ways in which beach encroachment could be reduced and necessary protection minimized. The proposed project was redesigned to shorten the access ramps so beach encroachment was reduced. Because sand accumulates on the south of the jetty, the project was designed such that the southern ramp is sand only, which minimizes encroachment, and does not require any riprap protection. An easement was obtained from the private property owner north of Palm Avenue such that the entire ramp is on private property, and only a small portion of the vertical protection is located on public beach. There is no other alternative that improves public access and recreation and reduces encroachment on the beach.

Thus, consistent with Policy S-11, the proposed public improvements have been designed to avoid shoreline protection where possible (i.e., no riprap is proposed to protect the sandy southern ramp). The project involves the minimum shoreline protection necessary, and only encroaches on to the beach the minimum amount necessary to accommodate a transition to the existing groin. The buried toestone at the northern ramp will minimize scour and impacts to shoreline sand supply. Therefore, the Commission finds the development consistent with the shoreline protection policies of the certified Imperial Beach LCP, and as such, does not raise a substantial issue with consistency with the certified LCP.

3. Sensitive Resources. The following policies of the certified City of Imperial Beach apply to the proposed project:

GOAL 2 NATURAL RESOURCES - KEY FOUNDATION OF THE CITY

The ocean, beach, bay, estuary, weather and related ecosystems set much of the image of Imperial Beach. Conservation and protection of these resources shall be a key focus of the General Plan. The unique physiographic characteristics of Imperial Beach are recognized as the foundation for all other aspects of the

community. These characteristics enhance the quality of life of residents and visitors and shall not be wasted, destroyed, or neglected. They are generally nonrenewable and provide many of the scenic, historic, economic, recreation, open space and ecological values for the community.

P- 12 Maintain Environmental Quality

The environmental integrity of all beach areas shall be maintained and enhanced.

The appellants content that the project will have an adverse impact on sensitive wildlife in the area.

When the subject project was in the planning and environmental review stage, the California Department of Fish and Game (DFG) and the U.S. Fish and Wildlife Service (USFWS) expressed concerns that the placement of additional concrete on the beach could have adverse impacts on the California grunion by reducing spawning area, and that the increased number of people and pets that would be accessing the beach at this area could impact western snowy plovers, which are found to the north and south of the project site.

The beach at the project site is backed by high-density residential development, and is currently heavily used by the public. While improved access at this location will likely result in increased use of this area by the public, to address the habitat concerns the City and these resource agencies developed a set of conservation measures to minimize indirect. These measures include: increasing weekend animal control patrols on the beach, posting interpretive signage informing the public of the western snowy plover and least tern habitat and life cycles and of the importance of keeping dogs leashed, implementation of a three-year grunion-monitoring program, and development of an agreement with the City of Coronado and Navy to improve animal control. These conditions have been incorporated into the conditions of approval of the coastal development permit (see City resolution pages 10-11).

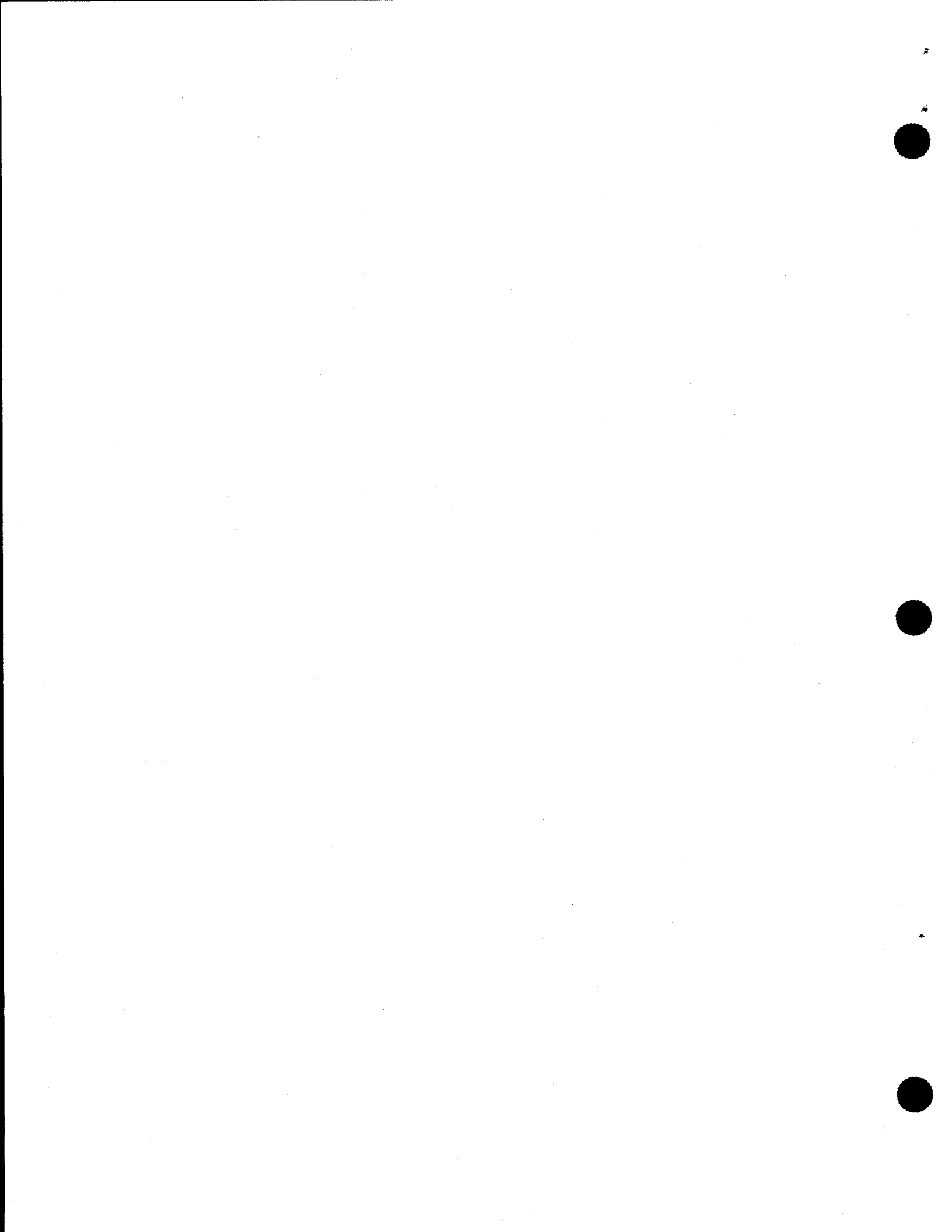
Staff at DFG and USFWS have reviewed the City's permit conditions and agree that the conditions adequately address the potential impacts to sensitive biological species. No other impacts to biological resources have been identified. Therefore, the Commission finds the development consistent with the environmental protection policies of the certified Imperial Beach LCP, and as such, does not raise a substantial issue with regard to compliance with the certified LCP.

4. Substantial Issue Factors

As discussed above, there is strong factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The other factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue also support a finding of no substantial issue. The proposed access improvements are a substantial development, but the project was anticipated and has been provided in the certified LCP. The development will significantly enhance public access to the beach and the City has minimized the use of

shoreline protective devices in an area of the coast that is already substantial armored. The decision of the City will have little precedential value for future interpretations of the LCP because the certified LCP contains specific exceptions that pertain only to this project. The project will have a positive regional impact on coastal access, and the objections to the project do not raise any substantial issues of regional or statewide significance.

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RESOLUTION NO. 2000-5318

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 99-05), DESIGN REVIEW (DRC 99-08), REGULAR COASTAL DEVELOPMENT PERMIT (CP 99-05), AND NEGATIVE DECLARATION (EIA 99-11) FOR THE CONSTRUCTION OF THE PALM AVENUE BEACH STREET END OVERLOOK AND FLANKING ACCESS ROUTES WITH VERTICAL SHORE PROTECTION SITUATED IN OCEAN BOULEVARD RIGHT OF WAY (PUBLIC FACILITY ZONE) AND ON PRIVATE EASEMENTS (HIGH DENSITY RESIDENTIAL ZONE). M.F. 461

APPLICANTS: CITY OF IMPERIAL BEACH AND THE SAN DIEGO UNIFIED PORT DISTRICT

WHEREAS, on November 1, 2000, the City Council of the City of Imperial Beach held a duly advertised and noticed public hearing to consider the merits of approving or denying an application for Site Plan Review (SPR 99-05), Design Review (DRC 99-11), Regular Coastal Development Permit (CP 99-05), Design Review (DRC 99-08) and Mitigated Negative Declaration (EIA 99-11) for the construction of the Palm Avenue beach street end overlook and flanking access routes, situated in part within the Ocean Boulevard public right of way and on private property; and

The private property easement is legally described as follows:


Vacant Parcel abutting Palm Avenue to the north (A.P.N. 625-011-33): That portion of Lot 1 of Palm Villas in the City of Imperial Beach County of San Diego, State of California, according to Map thereof No. 10507 filed in the Office of the County Recorder of San Diego County October 29, 1982, more particularly described as follows: Beginning at the Southwest corner of said Lot 1: thence along the south line of said Lot 1 south 89 degrees, 52' 44" east a distance of 20.00 feet thence leaving said southline north 03 degrees, 16' 29" east a distance of 75.12 feet to a point on the north line of said Lot 1: thence along said northline 89 degrees, 52' 36" west a distance of 15.91 feet to the northwest corner of said Lot 1: thence along the west line of said Lot 1 south 06 degrees, 2' 39" west a distance of 75.46 feet to the Point of Beginning.

Ocean Boulevard Public Right of Way: refer to Exhibit A for project site; and

WHEREAS on September 6, 2000, the City Council acted to continue the project to the City Council meeting of October 18, 2000; and

WHEREAS, on May 25, 1999, the Design Review Board reviewed and adopted Resolution No. DRB 99-08 approving the project design subject to conditions of approval included herein by reference; and

WHEREAS, on May 17, 2000, the City Council of the City of Imperial Beach held a duly advertised and noticed public hearing to consider the merits of approving or denying an application for Site Plan Review (SPR 99-05), Design Review (DRC 99-11), Regular Coastal Development Permit (CP 99-05), Design Review (DRC 99-08) and Mitigated Negative Declaration (EIA 99-11) for the construction of the Palm Avenue beach

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City Approval
 California Coastal Commission

street end overlook and flanking access routes, situated in part within the Ocean Boulevard public right of way and on private property; and

WHEREAS on May 17, 2000, the City Council acted to accept a withdrawal of the project by the San Diego Port District, so the Port District and City staff can receive additional public input and return to the City Council in a timeframe of approximately 60 days; and

WHEREAS, on May 3, 1999, the Tidelands Advisory Committee reviewed and recommended approval of the project design to the City Council; and

WHEREAS, pursuant to an initial environmental assessment per the requirements of the California Environmental Quality Act (CEQA), it was determined that the project, as conditioned, would not have an adverse environmental impact on the environment, and a Mitigated Negative Declaration has been prepared (i.e. no adverse impact on the environment contingent upon conditions of approval included herein that will reduce potential adverse impacts to a level of insignificance). The public review period was from October 29 to November 29, 1999, and extended to May 10, 2000, and further extended to May 16, 2000, in connection with the noticed May 17, 2000 public hearing. The public review period was further extended to September 5, 2000, in connection with the noticed September 6, 2000 public hearing. The public review period was again further extended from September 25 to October 17, 2000, in connection with the noticed October 18, 2000 public hearing. The State Clearinghouse public review period ran from November 15 through December 14, 1999. One State Agency, the Department of Fish & Game sent a letter to the Clearinghouse and this letter was forwarded to the City; and

WHEREAS, based on comments received from the State Resource agencies and public, a revised Mitigated Negative Declaration was prepared to include additional mitigation measures (conditions of approval) that are functionally equivalent or exceed the level of protection afforded by the originally worded mitigation. The City Council considered the revised mitigation measures and new mitigation measures and determined that the measures meet or exceed the intent of the measures contained in the October 22, 1999 draft Mitigated Negative Declaration; and

WHEREAS, the City Council considered the staff report dated October 18, 2000, and public testimony for the following project:

Construction of the Palm Avenue beach street end overlook with one flanking concrete access route to the north and one sand access route to the south with vertical shore protection, to be located in the Ocean Boulevard public right of way and public purpose easements legally described herein. The semi-circular overlook will be 1,930 square feet, and will partially cover an existing concrete slab 12 to 30 feet in width that extends over an existing groin and revetment for a distance of 65 feet. The remaining portion of the existing slab not impacted by the construction will be removed. The outer, or seaward, walls of the access routes and overlook will consist of an interlocking vertical sheet pile system, 250 feet in length driven to a depth ranging from -12.5 feet to -16.2 feet MLLW. The upper 7 feet of the sheet piling will be encased in concrete, with a cap that varies in width from 3.5 feet around the overlook to three feet along the top of the access routes. The overlook will include two areas to be used for seasonal lifeguard stations, illustrated as projections at the top of each access route.

The access routes and approximately 1,130 square feet of the overlook are in the jurisdiction of the City of Imperial Beach and are part of a larger Palm Avenue beach street end enhancement project that includes demolition of the lifeguard station, street and sidewalk pavement removal, pump station relocation with re-connection to the existing storm drain outfall and capacity upgrade, removal of landscaping, and replacement with decorative stained concrete, plaza and seating, public art, lighting, landscaping and street parking (16 cars). Construction of the access routes and overlook will involve approximately 1,000 cubic yards of fill. The vacant beachfront parcel will receive approximately 300 cubic yards of fill to establish a level surface behind the access route. The south access route, as revised (shortened), will be approximately 798 square feet, and the north access route as revised (shortened and re-aligned from a north direction to a northeast direction) will be 1,140 square feet with an additional 500 square feet of grouted toe stone at the end of the access route. Approximately 1,030 square feet will be subject to an Army Corps of Engineer's 401 Permit.

The project will provide both visual and physical access to the beach via the Palm Avenue beach street end. A public overlook, with seating, together with access routes will expand public access opportunities and improve the City's ability to provide emergency services; and

WHEREAS, at the close of said meeting on October 18, 2000, a motion was duly made and seconded to approve Site Plan Review (SPR 99-05), Design Review (DRC 99-11), Regular Coastal Development Permit (CP 99-05), Design Review (DRC 99-08) and to approve and certify Mitigated Negative Declaration (EIA 99-11) in compliance with CEQA, for the construction of the Palm Avenue beach street end overlook and flanking access routes, situated in part within the Ocean Boulevard public right of way and on private property, in the Public Facility and High Density Residential Zones, based on the following findings and subject to the conditions of approval contained herein.

Site Plan Review Findings

- 1. The proposed use does not have a detrimental effect upon the general health, welfare, safety and convenience of persons residing or working in the neighborhood, and is not detrimental or injurious to the value of property and improvements in the neighborhood.**

The Palm Avenue overlook and flanking ramps will formalize an active vertical accessway at this location and establish year-round lateral beach access by providing a structural transition to the existing rock groin. The access routes will also provide access for emergency vehicles and improve response time in the event of an emergency. The south access route (42 feet in length) will have a sand surface while the north access route (60 feet in length) will be concrete with an additional 15-feet of grouted toe stone at the end of the access route Just below grade. The south access route will have a sand surface to minimize noise and a lifeguard presence to discourage loitering and misconduct in the immediate vicinity. The paved portion of the north access route will facilitate beach access for persons with disabilities (wheelchair-friendly surface).

The project will provide a park-like setting for the viewing of the ocean, with benches, landscaping, low level lighting and a public art piece. These improvements are not expected to be detrimental to residential and commercial development in the vicinity of the project site. However, during construction public access to the beach will be curtailed. The project is conditioned to ensure that vertical access to the beach for pedestrians and emergency vehicles is maintained during construction and signed to provide adequate public notice. A

traffic circulation plan will ensure that access is maintained along Ocean Lane. The project is conditioned to prohibit construction on weekends between Memorial Day and Labor Day of any year when beach use is highest and require that equipment used on the beach will be removed at the end of each workday.

2. The proposed use will not adversely effect the General Plan/Local Coastal Plan.

The proposed project is located within the PF Public Facilities Zone, the purpose of which is to designate land devoted to public facilities and utilities. This designation includes public parks. All lands under public or quasi-public ownership and lands utilized for public recreational purposes may be zoned in the public facilities classification. The project is a public facility improvement within an unimproved public right-of-way consistent with the General Plan. The north access route will be located for the most part within an easement granted to the City for public purposes.

The City's General Plan is also its Local Coastal Program (LCP) and the City has been issuing coastal development permits since February 13, 1985 in accordance with the certified LCP. The City of Imperial Beach has completed the processing of an amendment (LCPA 99-02) to the certified Land Use Plan (or LUP) that would provide for public beach access improvements within the Ocean Boulevard right-of way (Policy S-11, Safety Element).

LCPA 99-02:

Policy S-11 of the Safety Element of the General Plan/Local Coastal Plan was amended and states in *"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, in the absence of contiguous shoreline protection, the alignment cannot extend further seaward than the inland extent of Ocean Boulevard right-of-way. 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."*

The project is designed to minimize beach encroachment relative to the north access route by acquiring a private easement for placement of the access route.

Policy P-13 of the Parks, Recreation and Access Element states in part *"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 proposed access routes will establish a clearly defined path of travel for emergency vehicles and beach goers. Moreover, the access routes will establish a reliable year-round access-way that will be wide enough to accommodate the transport of beach raking equipment. The City may need to purchase new portable lifeguard towers that fit into the more narrow 16-foot wide access routes.

The General Plan/Local Coastal Program contains several goals and policies that support the project. The

City shall emphasize the aesthetic qualities of all streets (Circulation Element Goal 1.e); the City shall ensure continued public access to beaches, and, where possible, provide additional access, as well as increased public parking opportunities in the beach area (Conservation and Open Space Element, Policy CO-1); natural scenic amenities such as views shall be incorporated in the design (Design Element, Policy D-8); the project will establish a park-like amenity at the beach that may be enjoyed by all ages, income levels and lifestyles (Parks, Recreation and Access Element, Policy P-1).

The need for shore protection is documented in "Geotechnical Investigation and Shoreline Protection Study Palm Avenue and Carnation Avenue Street End Improvements Imperial Beach, California, dated October 11, 1999" prepared by URS Greiner Woodward Clyde. The report identifies Imperial Beach as an actively eroding beach, and the vertical sheet pile shore protection will be driven to a depth ranging from -12.5 feet MLLW to -16.2 feet MLLW, well below scour depth (0 feet MLLW). The project is conditioned to submit design drawings for the transition areas at the end of the vertical sheet pile system where a vertical timber bulkhead protects properties to the south, while properties abutting the access route to the north have no shore protection.

3. The proposed use is compatible with other existing and proposed uses in the neighborhood.

The proposed overlook with side access routes represent enhancement of existing uses which include vertical and lateral beach access, and passive viewing of the coastline. To the immediate north are three vacant beachfront properties zoned Residential High Density (R-1500) followed by two- and three-story multiple-family residential buildings. To the immediate south is a three-story multiple-family residential building followed by two-story and one-story single-family residences. The proposed overlook will replace a deteriorated pavement that covers the base of the groin. The access routes will formalize emergency vehicle accessways that are built up with sand to create a rise over the rock groin. Low level bollard lighting will not adversely impact adjacent residential development. The wall around the overlook, three feet in height, will not block views of the beach; the sand access route will eliminate skateboarding adjacent to residential properties (south access route); the improvements will not alter established vehicular traffic flow on Palm and Ocean Lane.

4. The location, site layout and design of the proposed use properly orients the proposed structures to streets, driveways, sunlight, wind and other adjacent structures and uses in a harmonious manner.

The project design has been revised so the north access route is parallel to the westerly property line of the adjacent affected properties. The access route is now 60 feet in length with grouted toe stone at the end extending 15 feet to the north. The south access route is proposed as sand and is 42 feet in length. The access routes will be connected to Palm Avenue street end plaza, which include the viewing platform or overlook at the base of the groin and the public art piece. Furthermore, the outer walls of the access routes are designed to gradually slope so that the sand will cover them. These improvements take advantage of the significant views of the coastline, promote public enjoyment of the area and visually enhance the terminus of the Palm Avenue view corridor.

5. The combination and relationship of one proposed use to another on the site is properly integrated.

Refer to Finding No. 4.

6. Access to and parking for the proposed use will not create any undue traffic problems.

The overall project will not alter traffic circulation on Palm Avenue or on Ocean Lane, and will increase street parking from 12 parallel spaces to 16 perpendicular spaces between Ocean Lane and Seacoast Drive. Any temporary impacts associated with construction will be addressed in a traffic plan that ensures continued access to developments along Ocean Lane.

7. The project complies with all applicable provisions of Title 19.

The project is subject to compliance with the zoning standards per Section 19.24.030 of the City of Imperial Beach Municipal Code, titled "PF Public Facilities Zone" which provides for "public and/or municipal recreation facilities". There are no precise development standards for development in this zone, requiring that the proposed development be compatible with surrounding land uses per Site Plan Review findings stated herein.

Coastal Permit Findings**1. The proposed development conforms to the Certified Local Coastal Plan including Coastal Land Use Policies.***Shore Processes and Shore Protection*

The subject site is situated within the Silver Strand Littoral Cell (SSLC), representing a coastal compartment which contains a complete cycle of littoral (beach) sedimentation, including sand sources, transport pathways and sediment sinks. Recent Army Corps of Engineers studies indicate that erosion problems are most noticeable in Imperial Beach and at Playas de Tijuana. A detailed description of coastal conditions and processes is provided in the URS Greiner Woodward Clyde geotechnical report dated October 11, 1999.

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 Border Field State Park in the extreme southwest corner of the City. The project represents one of 11 beach street ends that have been or will be re-surfaced and enhanced. In February of this year, the City processed an amendment to its Local Coastal Program that clarified shore protection policies (S-11 and P-13). The project, as designed and revised, is consistent with these policies (refer to Site Plan Review findings).

Public Access

The subject site is a beachfront site situated west of the currently improved Palm Avenue beach street end. Palm Avenue is a designated active vertical access-way to the public beach (Table P-2, Parks, Recreation and Access Element). The certified Local Coastal Program contains policies that address street-end improvement standards designed to facilitate beach access. Specifically, Policy P-13 Improving Access-ways states in part that "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 public parking areas." The Palm Avenue overlook and access routes will be situated within 100 feet of street parking (16 spaces) and the bus stops north and south bound on Seacoast Drive are within 200 feet of the street end.

The project is in conformity with the public access and public recreation policies in the certified Local Coastal Program and Chapter 3 of the Coastal Act, commencing with Section 30200, because:

- It will improve vertical and lateral beach access;
- It will restore a view point of local, regional and statewide significance through the demolition of the lifeguard station;
- It will provide additional passive recreational activities;
- Americans With Disabilities Act access to the beach will be provided at the north access route;
- It is designed so as to limit seaward encroachment on public beach wherever feasible, by constructing the north access route on private property granted to the City of Imperial Beach for public purposes;
- It will provide year-round access over the groin for beach users and emergency personnel.

Scenic Views:

The view of Palm Avenue from the beach will be improved by the overlook, removal of rock around the base of the street end, and the establishment of a pedestrian area which will allow improved views from the area.

2. **For all development seaward of the nearest public highway to the shoreline, the proposed development meets standards for public access and recreation of Chapter Three of the 1976 Coastal Act and regulations promulgated thereunder.**

The subject site is located between the ocean and the first public road, which, in this case, is Seacoast Drive. Ocean Lane is a twenty-foot wide public street that runs in a north south direction and parallel to Seacoast Drive and the beach.

The subject site is a beachfront site situated west of the currently improved Palm Avenue beach street end. Palm Avenue is a designated active vertical access-way to the public beach (Table P-2, Parks, Recreation and Access Element). The certified Local Coastal Program contains policies that address street-end improvement standards designed to facilitate beach access. Specifically, Policy P-13 Improving Access-ways states in part that "*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 public parking areas.*" The Palm Avenue overlook and access routes will be situated within 100 feet of street parking (16 spaces) and the bus stops north and south bound on Seacoast Drive are within 200 feet of the street end. The project is in conformity with the public access and public recreation policies in the certified Local Coastal Program and Chapter 3 of the Coastal Act, commencing with Section 30200, because:

- It will improve vertical and lateral beach access;
 - It will restore a view point of local, regional and statewide significance through the demolition of the lifeguard station;
 - It will provide additional passive recreational activities;
 - Americans With Disabilities Act access to the beach will be provided at the north access route.
 - It is designed so as to limit seaward encroachment on public beach wherever feasible, by constructing the north access route on private property granted to the City of Imperial Beach for public purposes;
 - It will provide year-round access over the groin for beach users and emergency
3. **The proposed development meets the minimum relevant criteria set forth in Title 19, Zoning.**
Refer to Site Plan Review finding No.7.
4. **For all development involving the construction of a shoreline protective device, a mitigation fee shall be collected which shall be used for beach sand replenishment purposes. The mitigation fee shall be deposited in an interest bearing account designated by the Executive Director of the California Coastal Commission and the City Manager of the City of Imperial Beach in lieu of providing sand to replace the sand and beach area that would be lost due to the impacts of any protective structures.**

The project includes the construction of a vertical seawall. Public projects are exempt from the same mitigation fee per precedent (Pier Plaza, Safety Center and Dunes Park projects).

DESIGN REVIEW:

The project is consistent with the Design Element and Design Review Guidelines per Design Review Board Resolution No. 99-08, adopted by the Design Review Board of the City of Imperial Beach on May 25, 1999, and which findings and conditions of approval are incorporated by reference herein.

CONDITIONS OF APPROVAL

SITE DEVELOPMENT

1. A revised site plan shall be submitted for approval by the Community Development Director prior to the issuance of building permits showing rocks to be removed.
2. Approval of this request shall not waive compliance with any portion of the Uniform Building Code and Municipal Code in effect at the time a building permit is issued.
3. Site preparation and construction shall be done in accordance with the recommendations contained in the geotechnical report prepared by URS Greiner Woodward Clyde, dated October 11, 1999.

4. A subsequent geotechnical report prepared by a registered engineer familiar with coastal processes shall be submitted that addresses the method of engineered transition at the access route ends, with the express purpose of protecting adjacent properties from any potential adverse effects of the vertical sheet pile shore protection. Engineered transitions (tie ins) shall adhere to the established stringline of legally permitted shore protection devices, and not to the outer access route walls.
5. Any future private shore protection must tie in to the established stringline of shore protection devices on private property, and not to the outer access route walls.
6. It shall be the responsibility of the San Diego Unified Port District to assure that the shoreline protection structures and buildings on adjacent properties to the south and north are not damaged during construction, and to repair any damage to structures, including existing shore protection, that may result. The construction of temporary slopes shall be shored in compliance with CAL-OSHA requirements.
7. Temporary public access to the beach north of Palm Avenue for both pedestrians and public safety emergency vehicles (minimum 10 feet wide) shall be provided and adequately noticed if access is eliminated as a result of construction in the immediate vicinity of the subject site.
8. Prior to commencement of construction, the San Diego Unified Port District shall submit plans for the locations, both on and off site that will be used for staging or storage areas for materials and equipment during the construction phase of the project. The staging/storage plan shall be subject to review and written approval of the Community Development Director. Use of sandy beach and public parking areas for the interim storage of materials and equipment shall not be permitted (Palm Avenue west of Seacoast Drive excepted). The plan shall also indicate that no work shall occur on weekend days between Memorial Day and Labor Day of any year, and that equipment used on the beach shall be removed from the beach at the end of each workday. The plans shall also indicate that construction shall not occur between 10 p.m. and 7 a.m. on any day.
9. At least 15 days prior to construction, the applicant shall notify all residents within 500 feet of the project site of the pile driving activity. Operation of the equipment shall be prohibited on weekends. A mailing list and copy of the notification letter, together with an affidavit of mailing, shall be submitted to the Community Development Department to demonstrate compliance with this condition.
10. All work shall be scheduled during low tides to minimize disturbance of sand and intertidal areas. Disturbance to sand and intertidal areas shall be minimized. Beach sand that is excavated shall be re-deposited on the beach.
11. No local beach sand, cobbles, construction debris or armor stones shall be used as backfill for the access routes and overlook. The applicant shall remove from the beach and seawall area any and all debris that result from the construction period.
12. The revetment at the street end, and buried revetment exposed throughout the project area shall be removed from the site or used for the base of the north access route in conformance with the approved design.

ENVIRONMENTAL MITIGATION

1. The City shall increase weekend animal control patrols on the beach south of Seacoast Drive, thereby increasing officer presence and improving enforcement of the dog leash law in this area. The City of Imperial Beach will pay all overtime associated with special patrol hours, beach sweeps and enforcement. Officers shall issue citations for violation of state and local laws, with no exception, as provided in agreement between the City of Chula Vista and the City of Imperial Beach providing full animal control services for fiscal year 1999-2002.
2. The City and the San Diego Unified Port District shall post an interpretive sign at the southern terminus of **Seacoast Drive**, in a location approved by the Refuge and Reserve Managers informing the public of the western snowy plover and least tern habitat and life cycles. The sign shall also include the dog leash law and why it is important to keep dogs restrained. The design and the exact text shall be subject to the review and approval of the Refuge and Reserve Managers and the City of Imperial Beach prior to manufacture and installation. Interpretive signage shall be installed within one year of project completion.
3. The City and the San Diego Unified Port District shall post an interpretive sign at the western terminus of **Carnation Avenue** in a location approved by the Refuge and Reserve Managers informing the public of the western snowy plover habitat and life cycles. The sign shall also include the dog leash law and why it is important to keep dogs restrained. The design and the exact text shall be subject to the review and approval of the Refuge and Reserve Managers and the City of Imperial Beach prior to manufacture and installation. Interpretive signage shall be installed within one year of project completion.
4. The City, in consultation with the U.S. Fish & Wildlife Service and the Dept. of Fish & Game, shall develop and implement a three-year grunion-monitoring program that includes the submittal of annual monitoring results to these agencies. The program shall include:
 - Beach monitoring during the appropriate season for grunion runs, which is generally March through August. Monitors shall walk the beaches with flashlights on nights when the California Department of Fish & Game forecast grunion runs. Monitoring at the appropriate tides shall occur throughout the potential spawning season. Monitors are not required to be qualified biologists, but should be concerned people trained in finding and recognizing spawning grunion. Once spawning grunion are observed, the affected areas shall be delineated on a map.
 - When spawning grunion are detected, all beach raking shall be suspended in the affected mapped area for at least 17 days to allow eggs to remain in the sand for their entire 15-day incubation period.
 - Beach raking may be resumed 17 days after the spawning grunion have been observed. If two spring tide cycles pass without observation of spawning grunion on the beach, beaches may be raked until the next forecast grunion run, at which time raking will cease and monitoring will continue.
 - To aid in the assessment of the effectiveness of the program, monitors shall count or estimate numbers of grunion, record the number of nights that spawning grunion are present and delineate these beach areas. This information shall be provided to the California Department of Fish & Game, the U.S. Fish & Wildlife Service and to the National Marine Fisheries Service. After three years, the number of spawning grunion and number of nights spawning grunion are present may be regressed on the number of years that the new grunion avoidance raking policy has been in effect.

5. The City will initiate efforts to develop an agreement or Memorandum of Understanding with the City of Coronado and the Navy (property owner) with the express purpose of improving animal control north of Carnation Avenue in the City of Coronado in furtherance of Western Snowy plover protection. U.S. Fish & Wildlife Service staff will be informed of progress within one year of completion of the project and invited to comment on the draft document.

STREETS, SIDEWALKS AND ALLEYS

1. Prior to any work being performed in the public right-of-way, a temporary encroachment permit shall be obtained from the Building Division and appropriate fees paid.
2. A traffic control plan shall be submitted to the Public Works Department prior to commencement of work that maintains vehicular access along Ocean Lane during construction at least 10 days prior to construction. Said plan shall be reviewed and approved by the Director of Public Works.

DRAINAGE AND FLOOD CONTROL

1. A drainage system capable of handling and disposing of all surface water originating within the development, and all surface waters that may flow onto the site from adjacent sites, shall be required.
2. The applicant shall include a Best Management Practices (BMP) plan to prevent contamination of storm drains and/or groundwater, in compliance with the Clean Water Act, to the Building Division of the Community Development Department, prior to the issuance of building permits. This plan shall be subject to the review and approval of the Storm Water Program Manager prior to building permit issuance. The BMP include but are not limited to the following:
 - Containment of all construction water used in conjunction with the construction activities. Contained construction water is to be properly disposed in accordance with federal, state, and city statutes, regulations and ordinances. Call Hank Levien at (619) 628-1369 for requirements.
 - All recyclable construction waste must be properly recycled and not disposed in a landfill.
 - Water used on site must be prevented from entering the storm drain conveyance system (i.e. streets, gutters, alley, storm drain ditches and pipes).
 - All wastewater resulting from cleaning construction tools and equipment must be contained on site and properly disposed in accordance with federal, state, and city statutes, regulations and ordinances.
 - All sediment on the construction site must be contained on the site and is not permitted to enter the storm drain conveyance system.

GENERAL REQUIREMENTS AND APPROVALS

1. The applicant shall, during construction, store any roll-off bins on the site. If this is not possible, Encroachment Permit shall be obtained from the Building Division prior to the issuance of a building permit, to place any roll-off bins in the public right-of-way. The Encroachment Permit will contain the following conditions:
 - Roll-off bin shall not contain debris past the rim, and shall be emptied regularly to prevent this.
 - The area around the bin shall be kept free and clear of debris.
 - The bin shall have reflectors for observation at night.
2. An engineer is required to supervise the construction of the seawall.
3. Prior to the issuance of building permits, the San Diego Unified Port District shall obtain the necessary Army Corps of Engineers Permit and certification from the Regional Water Quality Control Board.
4. Prior to issuance of building permits, the San Diego Unified Port District shall obtain a written determination from the State Lands Commission that:
 - No State lands are involved in the development; or
 - State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or,
 - State lands may be involved in the development, but pending a final determination, an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.
5. The San Diego Unified Port District shall be responsible for maintenance of the access routes and seawall. Any debris or other materials, which become dislodged after completion through weathering and coastal processes, which impair public access, shall be removed from the beach. Any future additions or reinforcements may require a coastal development permit. If after inspection it is apparent that repair and maintenance is necessary, the applicant shall contact the City to determine whether such a permit is necessary.
6. Prior to completion of the project the City shall consider an ordinance that addresses the use of the overlook (west of bollards) which is similar to that for Pier Plaza and the pier, where nighttime use is prohibited between 10 PM and 5 AM (Title 12, Section 12.68.075).
7. The City shall obtain all necessary easements prior to construction.
8. Approval of Site Plan Review (SPR 99-05), Design Review (DRC 99-08), Regular Coastal Development Permit (CP 99-05), and Negative Declaration (EIA 99-11) for the construction of the Palm Avenue beach street end overlook and flanking access routes, situated in part within the Ocean Boulevard public right of way and on private property, in the PF and R-1500 zones is hereby valid one year from the date of final action, to expire on October 18, 2001, unless an appeal is filed to the California Coastal Commission. Any such appeal will stay the expiration date until the case is

resolved. In the event that no appeal is filed, conditions of approval must be satisfied, building permits issued, and substantial construction must have commenced prior to October 18, 2001.

- 9. The applicant or applicant's representative shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed statement accepting said conditions.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Imperial Beach that Site Plan Review (SPR 99-05), Design Review (DRC 99-08), Regular Coastal Development Permit (CP 99-05), and Negative Declaration (EIA 99-11) for the construction of the Palm Avenue beach street end overlook and flanking access routes, situated in part within the Ocean Boulevard public right of way and on private property in the PF and R-1500 Zones is hereby approved, and directs the City Clerk to record the Resolution with the County Recorder following the expiration of the California Coastal Commission's appeal period if no appeal is filed.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Imperial Beach at its regular meeting held this 1st day of November 2000, by the following roll call vote:

AYES: COUNCILMEMBERS: ROSE, BENDA, MALCOLM, MCCOY
NOES: COUNCILMEMBERS:
DISQUALIFY: COUNCILMEMBERS: WINTER (due to a potential conflict of interest)

Diane Rose

DIANE ROSE, MAYOR

ATTEST:

Linda A. Troyan

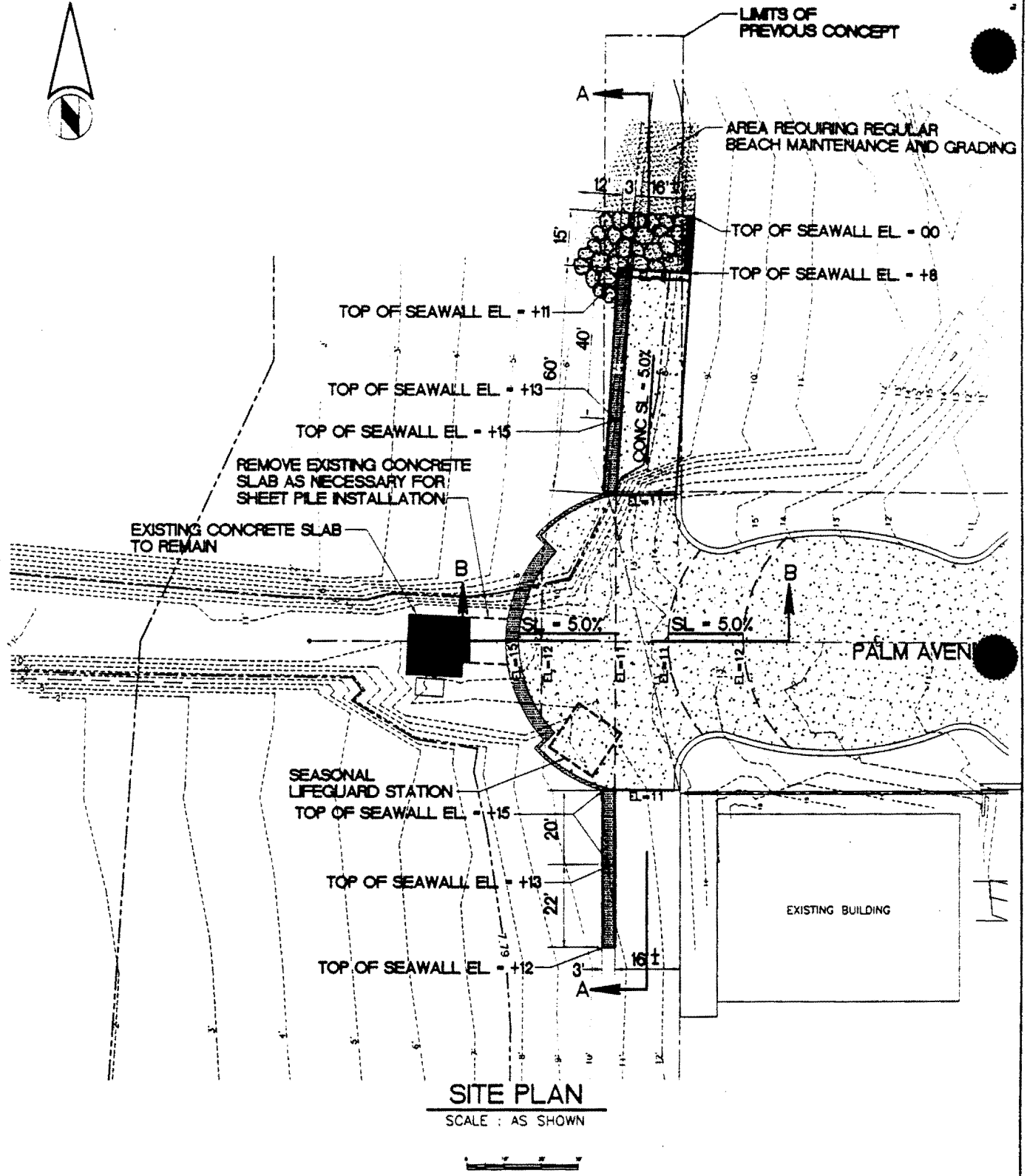
LINDA A. TROYAN,
CITY CLERK

I, City Clerk of the City of Imperial Beach, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2000-5211, APPROVING SITE PLAN REVIEW (SPR 99-07), DESIGN REVIEW (DRC 99-11), REGULAR COASTAL DEVELOPMENT PERMIT (CP 99-08), NEGATIVE DECLARATION (EIA 99-15) AND TENTATIVE MAP/SUBDIVISION MAP (TM/SUB 99-01) FOR THE CONSTRUCTION OF A SIX-UNIT RESIDENTIAL CONDOMINIUM BUILDING COMPRISED OF TWO STORIES ABOVE SUBTERRANEAN GARAGE PARKING FOR TWELVE CARS, WITH VERTICAL SHORE PROTECTION ON A 9,000 SQUARE FOOT OCEANFRONT SITE LOCATED AT 1014-1024 OCEAN LANE, IN THE HIGH DENSITY RESIDENTIAL/MIXED-USE OVERLAY (R-1500/MU-2) ZONE.

CITY CLERK

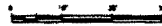
DATE

11-3-00



SITE PLAN

SCALE : AS SHOWN



SAN DIEGO UNIFIED PORT DISTRICT
 3185 PACIFIC HIGHWAY
 SAN DIEGO, CA, 92101

STREET END IMPROVEMENTS
 IMPERIAL BEACH, CALIFORNIA

PURPOSE :
 INSTALL EROSION PROTECTION
 FOR STREET ENDS AND PROVIDE
 ADA ACCESS TO BEACH

DATUM : M.L.L.W.

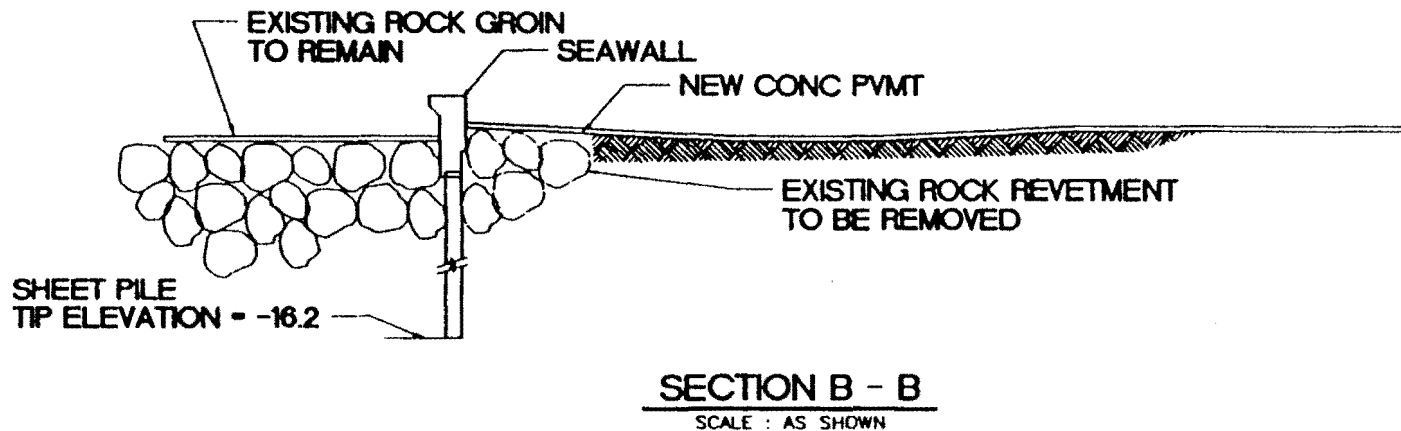
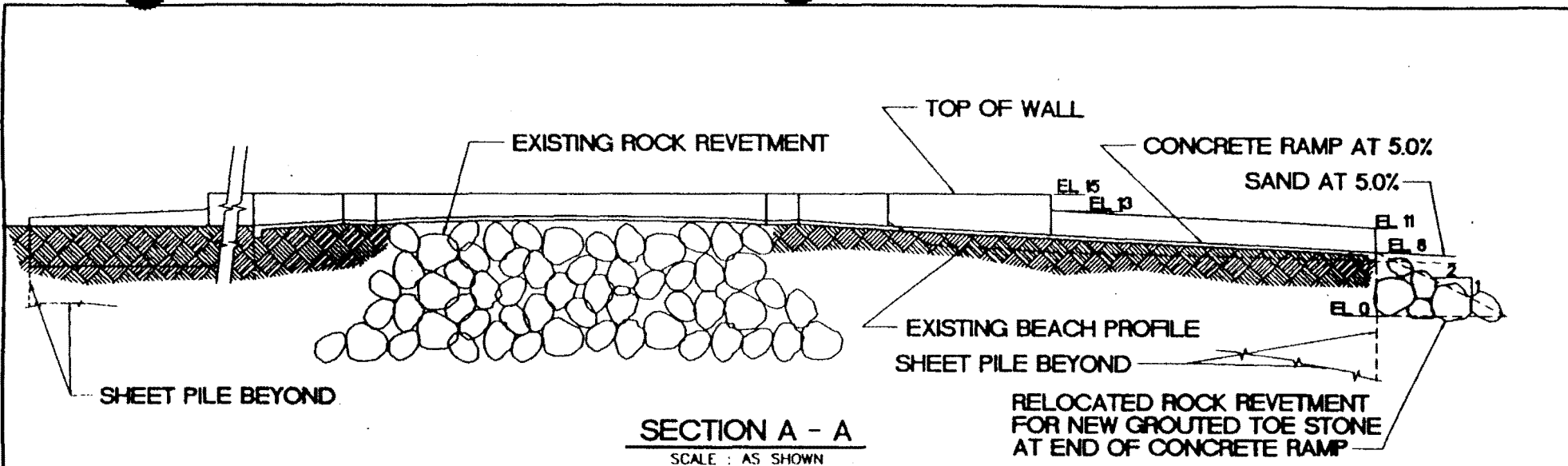
DATE : 8-9-00

EXHIBIT
PALM AVENUE
COASTAL IMPROVEMENTS

SHEET 1 OF 2

DRAWN BY: JPM

CHECKED BY: WFO



SAN DIEGO UNIFIED PORT DISTRICT
3165 PACIFIC HIGHWAY
SAN DIEGO, CA, 92101

STREET END IMPROVEMENTS
IMPERIAL BEACH, CALIFORNIA

PURPOSE :
INSTALL EROSION PROTECTION
FOR STREET ENDS AND PROVIDE
ADA ACCESS TO BEACH

DATUM : M.L.L.W.

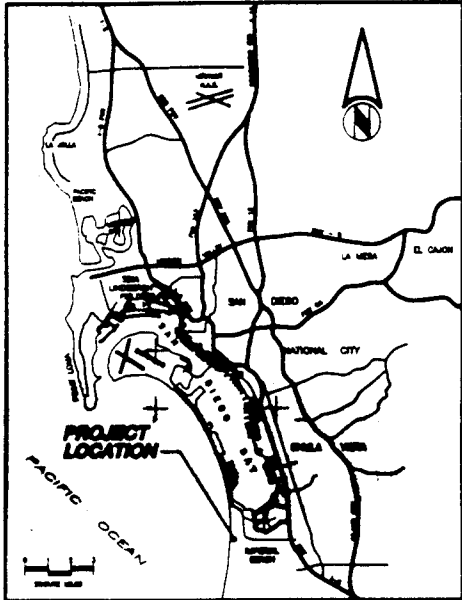
DATE : 8-9-00

EXHIBIT
PALM AVENUE
COASTAL IMPROVEMENTS

SHEET 2 OF 2

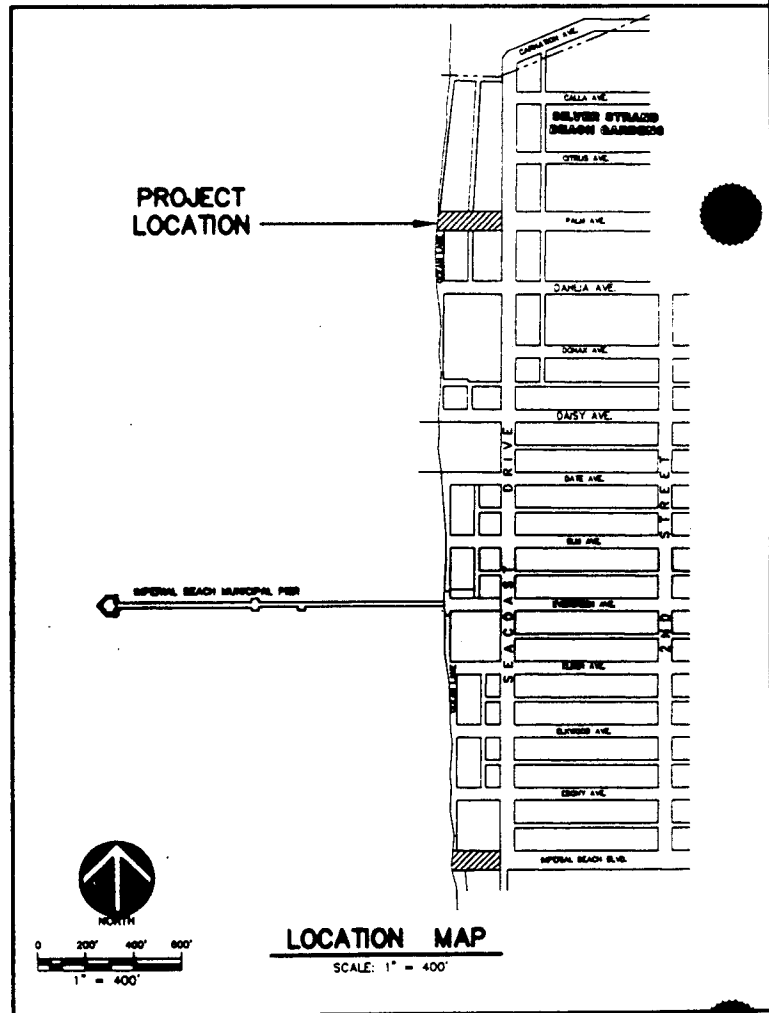
DRAWN BY: JPM

CHECKED BY: WFO



VICINITY MAP
SCALE AS SHOWN

**REVISED
PLAN**



LOCATION MAP
SCALE: 1" = 400'

PURPOSE :
TO INSTALL EROSION PROTECTION
AND ADA ACCESS
DATUM : M.L.L.W.
ADJACENT PROPERTY OWNERS :
SAN DIEGO UNIFIED PORT DISTRICT
CITY OF IMPERIAL BEACH

SAN DIEGO UNIFIED PORT DISTRICT
3165 PACIFIC HIGHWAY
SAN DIEGO, CA., 92101
ASST. DIRECTOR OF ENGINEERING :
[Signature]
DRAWN BY : JPM CHECKED BY : WFG

IN : PACIFIC OCEAN
AT: IMPERIAL BEACH
COUNTY OF : SAN DIEGO STATE : CA.
APPLICATION BY :
SAN DIEGO UNIFIED PORT DISTRICT
SHEET 1 OF 4 DATE : 03/15/00
DWG. NO.: 299-C REV.:

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: November 1, 2000

7. Local government's file number (if any): _____

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

- a. Name and mailing address of permit applicant:
San Diego Unified Port District
P.O. Box 120488, San Diego, CA 92112-0488
City of Imperial Beach
825 Imperial Beach Blvd., Imperial Beach, CA 91932
b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) _____

(2) _____

(3) _____

(4) _____

Information not available to applicant but may be in City records.

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHMENT TO APPEAL FROM COASTAL PERMIT DECISION
OF LOCAL GOVERNMENT

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge.

Signed Nancy J. Schmidt
Appellant (or Agent) Nancy J. Schmidt

Date Nov. 9, 2000.

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed William L. Fischbeck
Appellant William L. Fischbeck

Date 11/9/00

FISCHBECK & OBERNDORFER
5464 Grossmont Center Drive
Third Floor
La Mesa, CA 91942
(619) 464-1200

ATTACHMENT TO APPEAL FROM COASTAL
PERMIT DECISION OF LOCAL GOVERNMENT

Appellant: Nancy J. Schmidt
Respondent: City of Imperial Beach
Project: Palm Avenue Beach Extension

Applicant believes the Project and the processes implemented by the City of Imperial Beach to approve the Project are in violation of the Local Coastal Program for the City of Imperial Beach. Although not an exhaustive list, a synopsis of some of those violations are as follows:

Policy S11 of the LCP requires that: "Public improvements shall be designed to avoid shoreline protection if possible. Any necessary protection shall be the minimum necessary and shall not extend into the beach further seaward than the authorized vertical shoreline protection on either side of the access improvements; or, in the absence of contiguous shoreline protection, the alignment cannot extend further seaward than the inland extent of Ocean Boulevard right-of-way. 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 and sand supply."

Policy P14: "All existing street ends under City ownership that provide public access to coastal resources, including Bays, shall be retained for streets, open space or other public use. View corridor shall be protected and in no case shall buildings be permitted on or bridging the street. The City shall approve detailed design for each street end."

This Project provides for ramping a distance of 250 feet on either side of Palm Avenue. To protect the ramp, sea walls will need to be constructed in the beach area. The City has failed to entertain or examine alternative designs even though they have been provided and have thus made no determination as to how it could "avoid shoreline protection, if possible" as required under Policy S11 and has instead adopted a project designed to extend rather than retain the street ends in violation of P14.

Policy P11 states that the City shall work with State and Federal officials to determine appropriate access to the Beach. In this case the City has basically minimized the concerns of Fish and Wildlife and California Fish and Game in their letters

to the City regarding concerns over the degradation of habitat for endangered species. Attached is a list of "mitigations" the City intends to implement. As can be seen, these minimal "measures" involve no actual design accommodations in the Project.

Policy S1 requires that no development shall proceed unless geotechnical investigations have been completed. In this case, a serious issue has been raised in regard to the impact of the Project on sand erosion. Nevertheless, no study has been prepared and submitted for consideration by the City prior to its action. In addition, to the knowledge of applicant, no wave energy study has been conducted to determine the correct structural components for the proposed Project.

Policy S10 requires that the City regulate shoreline land use and development by minimizing construction on the beaches and requiring setbacks from the beaches. This Project intrudes into the beach area without necessity. Access could be provided to the beach by other means without the necessity of invading the beach area or extending beyond the existing Palm Avenue right-of-way. Most importantly, the City has refused to look at alternative designs that would prevent such intrusion.

Furthermore, the City has not seriously considered the CEQA impacts of this Project in regard to compliance with its LCP. This is demonstrated most clearly by the attached single page from the "Negative Declaration of Environmental Impact MF461" which purports to deal with all the CEQA issues the City contends have been raised by the Project. This is not a summary, but the entire discussion. It is patently and without question inadequate for the City to rely upon in making its LCP determinations. Issues have been raised by State and Federal wildlife agencies, by residents in regard to aesthetics and by citizens of the City in regard to the impact of this initial project as it will tie into other beach front projects contemplated by the City.

This list of reasons for the appeal is necessarily incomplete because the City has been unable to provide an updated LCP despite repeated requests. The list may very well be supplemented when the complete document is made available.

D. IDENTIFICATION OF ENVIRONMENTAL EFFECTS:

Based on an Environmental Initial Study, the following environmental categories were identified for consideration:

1. Aesthetics
2. Biological resources
3. Noise
4. Recreation
5. Geology/Soils
6. Land Use and Planning

Relative to aesthetics, it was determined that the project will integrate several existing beach structures (groin, groin and street pavement, and an assortment of armor stones, into a cohesively designed overlook with beach access routes. It was noted that the access route walls will be exposed during the winter months when sand levels drop to approximately + 6 MLLW, but will remain covered for most of the year.

Relative to biological resources, it was noted that the beach is an "urban" beach, where active recreation, beach grooming/cleaning, and emergency vehicles gain access/egress from the Palm Avenue street end. As such, although shore birds like the endangered Western snowy plover have been observed further north along the Silver Strand State beach in the City of Coronado, the beach environment is hostile and therefore less attractive to these endangered birds. The raking and burial of the beach wrack also removes any feeding opportunity, since Western snowy plovers feed on the beach hoppers in the wrack. The city beach, from the southern terminus of Seacoast Drive to Carnation Avenue, is not identified as core habitat in the Multiple Species Conservation Plan Program. (City has no Sub Area Plan). However, in response to comments received from the U.S. Fish & Wildlife Service and the Department of Fish & Game, additional mitigation conditions have been added that will address public education of the Western snowy plover, the least tern, more aggressive enforcement of dog leash laws in the City, grunion monitoring and reporting, and initiation of efforts to develop a Memorandum of Understanding with the City of Coronado and the Navy to improve animal control north of Carnation Avenue, in the City of Coronado.

Relative to noise, it was noted that construction noise and ground vibrations would occur. To minimize potentially adverse noise impacts, construction activities will be prohibited between 10 p.m. and 7 a.m., and on weekends between Memorial and Labor Days. The project, once completed, is not expected to increase ambient noise levels, and the removal of the lifeguard station may reduce noise. Any structural changes as a result of ground vibrations will be documented and repaired, as appropriate. However, in response to public concerns after the project is completed, the City will consider an ordinance prohibiting nighttime use of the overlook as is done at Pier Plaza and the pier (no use between 10 p.m. and 5 a.m.).

Relative to recreation, it was noted that during construction, impacts to beach recreation will occur. These are considered short-term in nature, and project implementation will enhance passive recreation activities at the overlook, and improve lateral and vertical public access to the beach throughout the year. The conditions of approval placed on the Site Plan Review and Coastal Development Permits will ensure that temporary access for pedestrians and emergency/maintenance vehicles is provided during the construction period.

Relative to geology/soils, it was noted that the project requires approximately 1,000 cubic yards of sand and gravel backfill to support the overlook and access routes. All earthwork, trench backfill and subgrade preparation operations shall be performed in accordance with the Standard Specifications for Public Works, and in accordance with the recommendations contained in the URS Greiner Woodward Clyde Report dated October 11, 1999.

Relative to land use and planning, it was noted that the issuance of a Coastal Development Permit for the project is contingent upon the certification of a Local Coastal Program Amendment (LCPA 99-02) that provides for public beach access improvements within the Ocean Boulevard right-of-way. Based on the City's preliminary determination, the amendment will be consistent with existing goals and policies of the General Plan/Local Coastal Plan that promotes public beach access to coastal resources. The amendment was considered and approved by the California Coastal Commission on February 18, 2000, subject to modifications that were deemed entirely consistent with the Coastal Act. These modifications have been accepted by the City Council (Resolution No.2000-5212, adopted April 5, 2000) and have received final certification by the Executive Director.

Policy P-13 has been amended in part to read:

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.

Policy S-11 has been amended in part to read:

"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, in the absence of contiguous shoreline protection, the alignment cannot extend further seaward than the inland extent of Ocean Boulevard right-of-way. 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."

E. MITIGATION NECESSARY TO AVOID SIGNIFICANT EFFECTS:

The following mitigation measures have been identified for incorporation as conditions of approval on the Coastal Development Permit:

1. No beach sand shall be used as backfill for access routes and overlook.
2. The revetment at the street end, and buried revetment exposed throughout the project area shall be removed from the site or used for the base of the north access route in conformance with the approved design.
3. Prior to commencement of construction, the applicant shall submit plans showing the locations, both on-and off-site, which will be used as staging or storage areas for materials and equipment during the construction phase of this project. The staging/storage plan shall be subject to review and written approval of the Community Development Director. Use of sandy beach and public parking and public parking areas, including on-street parking (Palm Avenue excluded) for the interim storage of material sand equipment shall not be permitted. The plan shall also indicate that no work shall occur during the weekend days between Memorial Day to Labor Day of any year, and that equipment used on the beach shall be removed from the beach at the end of each work day.
4. It shall be the responsibility of the applicant to assure that shoreline protection structures and buildings on the adjacent properties to the south and north are not damaged during construction, and to repair any damage that may occur. The returns on the access route walls shall tie in to any existing shoreline protection in accordance with the recommendations of a registered engineer, knowledgeable in coastal processes.
5. At least ~~15~~ 10-days prior to construction, the applicant shall notify all residents within 500 feet of the project site of the pile driving activity. Operation of the equipment shall be prohibited on weekends. A mailing list and copy of the notification letter, together with an affidavit of mailing, shall be submitted to the Community Development Department to demonstrate compliance with this condition.
6. All work shall be scheduled during low tides to minimize disturbance of sand and intertidal areas. Disturbance to sand and intertidal areas shall be minimized. Beach sand excavated shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for backfill or construction material. The applicant shall remove from the beach and seawall area any and all debris that result from the construction period.
7. Prior to issuance of a Coastal Development Permit, the City shall obtain certification of Local Coastal Program Amendment LCPA 99-02 from the California Coastal Commission.
8. Prior to the issuance of a building permit, the applicant shall obtain a written determination from the State Lands Commission that:
 - a. No state lands are involved in the construction of access routes and overlook; or
 - b. State lands are involved in the project, and all permits required by the State Lands Commission have been obtained; or
 - c. State lands may be involved in the project, but pending in a final determination, an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that decision.

9. Construction shall not occur between 10 p.m. and 7 a.m. on any day, and construction shall not occur on weekends between Memorial Day and Labor Day.
10. Any damage to surrounding properties that results from construction activities shall be repaired at the San Diego Unified Port District's expense.
11. Any future private shore protection must tie in to the established stringline of shore protection devices on private property, and not to the outer access route walls.
12. The City shall increase weekend animal control patrols on the beach south of Seacoast Drive, thereby increasing officer presence and improving enforcement of the dog leash law in this area. The City of Imperial Beach will pay all overtime associated with special patrol hours, beach sweeps and enforcement. Officers shall issue citations for violation of state and local laws, with no exception, as provided in agreement between the City of Chula Vista and the City of Imperial Beach providing full animal control services for fiscal year 1999-2002.
13. The City and the San Diego Unified Port District shall post an interpretive sign at the southern terminus of Seacoast Drive, in a location approved by the Refuge and Reserve Managers informing the public of the western snowy plover and least tern habitat and life cycles. The sign shall also include the dog leash law and why it is important to keep dogs restrained. The design and the exact text shall be subject to the review and approval of the Refuge and Reserve Managers and the City of Imperial Beach prior to manufacture and installation. Interpretive signage shall be installed within one year of project completion.
14. The City and the San Diego Unified Port District shall post an interpretive sign at the western terminus of Carnation Avenue in a location approved by the Refuge and Reserve Managers informing the public of the western snowy plover habitat and life cycles. The sign shall also include the dog leash law and why it is important to keep dogs restrained. The design and the exact text shall be subject to the review and approval of the Refuge and Reserve Managers and the City of Imperial Beach prior to manufacture and installation. Interpretive signage shall be installed within one year of project completion.
15. The City, in consultation with the U.S. Fish & Wildlife Service and the Dept. of Fish & Game, shall develop and implement a three-year grunion-monitoring program that includes the submittal of annual monitoring results to these agencies. The program shall include:
 - Beach monitoring during the appropriate season for grunion runs, which is generally March through August. Monitors shall walk the beaches with flashlights on nights when the California Department of Fish & Game forecast grunion runs. Monitoring at the appropriate tides shall occur throughout the potential spawning season. Monitors are not required to be qualified biologists, but should be concerned people trained in finding and recognizing spawning grunion. Once spawning grunion are observed, the affected areas shall be delineated on a map.
 - When spawning grunion are detected, all beach raking shall be suspended in the affected mapped area for at least 17 days to allow eggs to remain in the sand for their entire 15-day incubation period.
 - Beach raking may be resumed 17 days after the spawning grunion have been observed. If two spring tide cycles pass without observation of spawning grunion on the beach, beaches may be raked until the next forecast grunion run, at which time raking will cease and monitoring will continue.
 - To aid in the assessment of the effectiveness of the program, monitors shall count or estimate numbers of grunion, record the number of nights that spawning grunion are present and delineate these beach areas. This information shall be provided to the California Department of Fish & Game, the U.S. Fish & Wildlife Service and to the National Marine Fisheries Service. After three years, the number of spawning grunion and number of nights spawning grunion are present may be regressed on the number of years that the new grunion avoidance raking policy has been in effect.
16. The City will initiate efforts to develop an agreement or Memorandum of Understanding with the City of Coronado and the Navy (property owner) with the express purpose of improving animal control north of Carnation Avenue in the City of Coronado in furtherance of Western Snowy plover protection. U.S. Fish & Wildlife Service staff will be informed of progress within one year of completion of the project and invited to comment on the draft document.

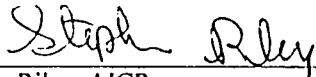
F. MITIGATION MONITORING PLAN:

Three-year grunion monitoring program will be implemented per mitigation measure no.15, above.

G. FINDINGS OF INSIGNIFICANT IMPACT:

Given the highly disturbed nature of the beach, and the presence of existing structures, the project will have no potential to affect fish or wildlife species, plants, or plant communities. No known historical or prehistorical resources exist onsite, and conversion of Palm Avenue beach street end to a view area and designated beach access point is anticipated to impact such resources. Additional mitigation measures have been added that will assist in protecting the Western snowy plover (interpretive sign program and more aggressive animal control). Impacts to grunion will be reduced and a monitoring program will be implemented that will assist the resource agencies in protecting this resource on a regionwide scale.

The project will result in no impact to most issue areas, as detailed above, which in turn would not result in cumulatively considerable impacts. Potentially significant issue areas requiring mitigation include biology (no construction during high tides), recreation (no construction on weekends between Memorial and Labor Days) Noise (restrictions on nighttime use on the overlook) and Geology (shore protection). Mitigation measures will reduce the impact of these issues to a less than significant level, and would, therefore not contribute to a cumulatively significant impact.



Stephen Riley, AICP

Senior Planner, Civic Solutions, Inc.

Date: Revised for October 18, 2000 public hearing

RECEIVED

JAN 29 2001

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

In the matter of the Appeal of Nancy J. Schmidt

Re: Imperial Beach Public Project: Palm Ave. and
Carnation Ave., Beach Street End EIA 99-11/MF471
CP99-05, SPR905, ORC99-08
Coastal Commission Appeal

APPELLANT'S INITIAL ARGUMENT

January 29, 2001

Nancy J. Schmidt, Appellant
662 Ocean Lane
Imperial Beach, CA 91932
(619) 442-1024

William L. Fischbeck, Esq.
FISCHBECK & OBERNDORFER
5464 Grossmont Center Drive
Third Floor
La Mesa, CA 91942
(619) 464-1200

I. INTRODUCTION

The applicant, herein, is appealing the Imperial Beach City Council's approval of Palm Avenue street end construction with flanking vehicle ramps and seawalls (CP99-05; EIA 99-11; SPR 99-05; ORC 99-08). It is impossible to present a complete statement of opposition at this time, because the City has still not provided the applicant with a current copy of the LCP. We have made frequent requests for more than four months, but the updated document has still not been made available.

All previous statements in opposition to the Palm Avenue and Imperial Beach Street-Ends Project are incorporated by this reference.

Planning for the Palm Avenue project began in 1999. It was to be the first step in a much larger plan for similar work on at least thirteen other street ends in Imperial Beach, and construction of a boardwalk, with seawalls, near the Pier, within the Ocean Blvd. right-of-way, (Initial Study, page 17).

On October 27, 1999, a Negative Declaration was prepared for the Palm Avenue part of the project; however, in November, the City received sharp warnings from other agencies regarding the environmental risks involved. The US Fish and Wildlife Service warned of cumulative effects and the "severe deleterious effect" of the entire project. They recommended "pulling the pavement back from the beach" and complete elimination of the Carnation Avenue part of the project, (p. 2-3, letter from N. Gilbert, rec'd 11-23-99).

On November 17, 1999, the City Council sought to change two policies of the certified Land Use Plan to allow for this project and the boardwalk. The Coastal Commission denied that request after finding that it did not conform with the Coastal Act and the California

Environmental Quality Act (hereinafter "CEQA"). Greatly modified amendments were then submitted which were in accord with Coastal Commission suggestions. Those modifications ensured that public improvements would be located as far landward as possible, and established setback requirements for seawall construction. The modified amendments were adopted, (resolution No. 2000-5212, April 5, 2000), and plans for the boardwalk were dropped; but the Palm Avenue portion of the project was never brought into conformity with the modified amendments. Those violations constitute part of the basis for this appeal.

Later that month, public notice was given, and project drawings for lateral access with seawalls in the Ocean Blvd. right-of-way at Palm Avenue were circulated publicly. There was an immediate firestorm of opposition to the project, and hundreds of citizens signed petitions urging the City "to protect our beaches by cutting back on planned construction at the west end of Palm and Carnation Avenues, and by not allowing concrete vehicle ramps to be built (north to south) on existing beaches", (emphasis in the original). On May 17, 2000, the project was withdrawn for further consideration.

Some slight changes were made in the design. The proposed ramps were shortened to sixty and seventy-five feet respectively, and it was decided that the southern vehicle ramp would be graded sand with a seawall to protect it. The City Council approved the project on November 1, 2000.

We believe that this project violates the LCP in many respects. Perhaps the most blatant violation is of Policy S-11, as amended, which does not permit seawall construction west of the "inland extent of the Ocean Blvd. right-of-way". This project proposes seawall construction ranging from 19 to 33 feet beyond that maximum limit, and also violates setback and other

requirements of the California Coastal Act (PRC §30253(2)). The current design is essentially the same as the original design, which necessitated LCP amendment in the first place; but the project was never brought into conformity with the final version of S-11, and it still falls far short of those requirements.

Less intrusive east/west alternatives were suggested by project engineers and others, but they were never officially discussed. East/west ramps would provide full access to the beach and would give emergency vehicles full visibility while providing quicker responses, because they would not have to drive through the pedestrian area on the overlook. However, the City had no opportunity to select a more appropriate or less damaging alternative, because they were never officially discussed.

Furthermore, the problem of sand replenishment was never addressed. No plan was adopted to deal with long-term maintenance, and no studies were conducted in that regard.

We also contend that this project will degrade the natural beauty of the area, because the large flanking ramps and the upper 3 foot portion of the proposed seawall at the western terminus of the overlook will obstruct the view of the ocean, (violation of Policy P-14).

Finally, CEQA was violated, because the cumulative impacts and potential damage to the marine environment and more than twenty near-by sensitive and endangered species were not addressed in an environmental report or any other similar study.

Proponents of the project simply argue that this matter is "All About Access" (see frequently repeated statements from public officials, including City Council presentations, Nov. 1, 2000). No one has ever disagreed that full access, including emergency and handicapped access, is needed; but it is absurd to continually insist that access can only be provided by this exact plan.

This matter also has to do with damage to the beach, and a City's clear violation of its own regulations.

We therefore appeal the improper approval of the Palm Avenue project. Alternatives should have been considered which would not require damaging seawalls or violate the Local Coastal Program or the mandates of state law.

II. THE PALM AVENUE PROJECT VIOLATES SETBACK RESTRICTIONS OF POLICY S-11 OF THE LCP, AND A LESS INTRUSIVE DESIGN COULD PROVIDE FULL ACCESS WITHOUT CAUSING SAND LOSS AND OTHER LONG-TERM PROBLEMS.

Policy S-11, as amended last year, requires that:

“Beach encroachment by public improvements shall be minimized 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.”
See also: PRC §30253(2).

This policy was violated as follows:

1. **The proposed seawall violates setback requirements of Policy S-11 because it would be built farther west than the LCP allows.**

Policy S-11 mandates that seawalls shall not extend onto the beach beyond the inland boundary of the Ocean Boulevard right-of-way, or beyond similar construction on either side.

In this case, the proposed seawalls would be built on the seaward boundary of Ocean Boulevard, and the proposed ramps would be located within the right-of-way. This is a clear

violation of S-11 which expressly sets the inland side of the right-of-way as the maximum westerly limit for seawall construction. This extreme violation of policy calls for seawall construction ranging for 19 to 33 feet beyond the limit clearly established in the LCP. The inland side of the right-of-way has been established as the absolute outside line for seawall construction, but this project calls for two seawalls totaling nearly 135 feet in length, to be constructed well beyond that legal limit.

Furthermore, the LCP does not provide any exception to this setback requirement. The specific exception for construction at the end of the groin does not apply to the enormous flanking ramps which are not associated with the transition to the groin. Likewise, the reference to conformance with existing shoreline protection on either side does not apply in this instance, because existing shore protection, authorized or not, is landward of the Ocean Blvd. right-of-way.

This proposal for extensive seawall construction ranging from 19 to 33 feet beyond the legal limit is clearly improper, and should not be tolerated.

2. State setback requirements have also been violated.

Local Policy S-11 is in accord with similar state requirements, including the California Coastal Act's setback requirements at PRC §30253(2). That section states that "new development shall neither create nor contribute significantly to erosion....or in any way require the construction of protective devices...". This statewide requirement specifically addresses the fact that improvements which provide access to coastal areas may cause serious damage to those very same areas. Protective devices are therefore to be minimized, and avoided if possible.

This project would place shoreline protection very close to the water and proposes

construction of a seawall to protect a sand ramp. This is a clear violation of the Coastal Act and is also a breach of local policy.

3. Policy S-11 has been violated, because full access can be provided at Palm Avenue with a more "landward" design which would not require seawalls.

The requirement that public improvements be "located as far landward as feasible" and "avoid shore protection" was specifically suggested by the Coastal Commission, because less restrictive language, proposed by the City, was not in accord with Chapter 3 of the Coastal Act, (Coastal Comm. Staff Report, January 2000, p. 14). However, the City made no determination as to how this project could "avoid shoreline protection, if possible" and did not examine or publicly discuss any of the less intrusive designs which would also allow full access.

Government engineers submitted drawings for two options which would provide full vehicle and ADA access without flanking ramps or seawalls at all, (Option "D" and Option "E"). Not only were those options never openly discussed, but drawings of those proposals were not put into the City file until after the project had been fully approved.

Hundreds of private citizens petitioned the City to disapprove of north/south ramps on the beach, and at least seven different citizens and groups submitted specific alternatives which could provide full access without seawall construction, (Gonzalez 7-10--00; Norsell 5-14-00; Lindlay 5-8-00; Surfriider Foundation 9-6-00; Shawney 1-13-00; M. Schmidt 4-28-00, 8-29-00; N. Schmidt 4-17-00). Nevertheless, city officials did not even engage in brief discussion of alternatives, and Paul Benton, Director of Community Development firmly refused to ever go beyond his repeated statement that alternative designs are "interesting".

The City of Imperial Beach turned a blind eye to less intrusive alternatives, and public officials restricted their own comments to discussion of the officially proposed design. State law and local regulations require more than this from government, (PRC §§21001(g), 21001, Policies S-10 and S-11). Silent acquiescence to narrative presentation of alternatives is not enough.

4. Policy S11 was violated, because the project was approved when shoreline impacts and sand replenishment had not been addressed.

Seawall construction in the inter-tidal zone results in sand loss and other damages from wave reflection and scour. This is especially true in areas like Palm Avenue where heavy wave energy is present, and construction is to be very near the water, (SANDAG 1997). The California Coastal Commission has clearly recognized this fact in reviewing other similar beach projects (Oceanside, 1999).

The US Fish and Wildlife Service specifically warned that this project could damage the beach, and they recommended major design changes and “pulling the pavement back from the beach...(to) reduce the impact to the intertidal areas, reduce the influence of the project on currents and natural surf action”. They further recommended elimination of the Carnation Avenue portion of the project. (Letter from Nancy Gilbert rec'd, 11-23-99).

It is clear that if these seawalls are built, complex and expensive long-term maintenance will be required. If sand is not continually replaced, the lower part of the ramp walls will become exposed to wave and tide action. The coal-tar epoxy coating on these lower parts of the sheet pile construction is not designed for direct wave attack or abrasion, and serious structural failures will result.

In spite of these serious considerations, the City did not adopt any plan to address the

problems. There was private generalized speculation that sand could be taken from other parts of the beach, but agency approval would be necessary (USFWS, ACOE, CCC, etc.); permits would have to be approved; private property rights would have to be considered; and the replenishment project itself could have significant environmental effects which would require environmental review. The courts of California have been quick to strike down approval of projects like this where there are no specific mitigation plans for erosion and flooding, *Sundstrom vs. County of Mendocino*, (1988) 202 Cal. App. 3d 296, 306-309, 248 Cal. Rptr. 352.

We therefore contend that the requirements of the LCP were violated by this proposal, because the impact to shoreline and sand supply were not addressed at all, as specifically required by S-11.

5. Policy S-11 was violated because there are no final plans for transition to the groin.

Policy S-11 states that "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".

Thus, the LCP provides one exception for shoreline protection which may be necessary for making a transition to the groin. This exception, however, in no way authorizes seawall construction in other areas.

Definite plans for building the transition to the groin were never presented. At the City Council meeting on November 1, 2000, council members specifically asked how the transition to the Palm Avenue groin would be constructed. Javier Saunders of the Port Authority, and Paul

Benton, Director of Community Development for Imperial Beach, both candidly admitted that the matter had not been decided. Nothing further was provided on the subject prior to the Council's final approval of the project.

We submit, that it is a violation of Policy S-11 for the City Council to approve this project without any explanation, discussion or clarification of this important part of the project. Although an exception is allowed for seawalls in this one limited area, Policy S-11 in no way opens the door for seawall construction in other areas. Flanking seawalls can not be justified by failing to present plans for an area which may be covered by the exception.

III. THE PALM AVENUE PROJECT VIOLATES POLICY P-14 OF THE LCP, BECAUSE IT WILL BLOCK THE OCEAN VIEW.

Policy P-14 requires that the "view corridor shall be protected and in no case shall buildings be permitted on or bridging the street."

The proposed vehicle ramps and seawalls are designed to bridge the western terminus of Palm Avenue and therefore will block the view corridor. Plans call for the proposed seawall to extend 3 feet above the level of the overlook (4 feet above the overlook entry). This waist-high solid obstruction will completely block the ocean view from near-by benches, and will seriously interfere with the full ocean view from nearly every angle. Furthermore, the flanking ramps and heavy shoreline armoring will contrast sharply with the natural setting and spoil the unique aesthetics of the area.

The Palm Avenue project as currently planned would violate P-14 by creating an unnecessary manmade eyesore in this place of rare beauty.

IV. POLICY P-11 OF THE LCP WAS VIOLATED WHEN AGENCY CONCERNS WERE MINIMIZED.

Policy P-11 requires the City to work with State and Federal officials when determining appropriate access to the Beach, and California law also mandates full agency review.

PRC §21080.3 requires that "prior to determining whether a negative declaration...is required for a project, the lead agency shall consult with all responsible agencies..."

In this case, however, other agencies were not consulted until after the negative declaration was prepared. Furthermore, they were given misleading information which suggested that the lifeguard station and other amenities would be removed from the Palm Avenue area, and that the public would be drawn away to other parts of the beach, (letter to Nancy Gilbert from Paul Benton 1-7-00, p. 2). In reality, the project was specifically designed to provide an enhanced public gathering place, and the lifeguard presence there has never been questioned.

Nevertheless, other agencies expressed grave concerns about the project and bluntly warned of its potential for environmental harm (as discussed above).

We contend that public officials fell far short of their duties under P-11 when they minimized outside concerns. Other agencies clearly warned of a significant impact on the environment, but the entire consideration of environmental issues was dispensed with in a single page of the City report. There isn't much purpose in consulting other agencies if their warnings and concerns are simply "noted", (See: letter to Nancy Gilbert from Paul Benton 1-7-00, p. 3).

V. THE PALM AVENUE PROJECT VIOLATES POLICY S1 OF THE LCP, BECAUSE NECESSARY SUPPORTING STUDIES WERE NOT CONDUCTED.

Policy S1 requires that no development shall proceed without proper scientific and geotechnical investigation, but in this case engineering reports were minimal and no seismic recommendations were obtained, even though the project is located in an area of high seismic risk.

No study was prepared and no plan was adopted with regard to sand erosion or the potential for shoreline damage, and no wave energy studies were ever performed. There were no supporting studies for wildlife mitigation measures, and no traffic or noise studies were ever performed. No simulations were performed to determine the impact of wave energy around the seawalls or ramps; and there were no engineering studies relating to the fifteen foot rock revetment at the end of the north ramp.

No safety report was ever prepared to address the obvious danger of allowing vehicles to traverse the pedestrian overlook.

In short, there was inadequate investigation of this project, and the City chose instead to obtain informal recommendations from a series of ad hoc "workshops" and unscientific self-serving surveys of public opinion, (letter from Paul Benton, dated 10-13-00).

VI. THE PALM AVENUE PROJECT VIOLATES CEQA.

The City has not seriously considered the application of CEQA in regard to compliance with its LCP. An Environmental Impact Report was not prepared for this project, even though other agencies and the public highlighted the significant environmental effects. The cumulative

effect of the entire project was not considered, and the protection of more than twenty sensitive and endangered species, which live in the area, was never addressed. The entire discussion of environmental considerations is dispensed with in one page of the City report (Negative Declaration p. 8). This is not a summary, but the entire discussion of environmental concerns.

Some of the most obvious CEQA violations are as follows:

1. An Environmental Impact Report should have been prepared pursuant to PRC §21100. The need for environmental review should be obvious from the size and location of the project and the proximity of more than twenty sensitive species. An EIR is required whenever a fair argument can be made that significant environmental impact will result, *Sundstrom vs. County of Mendocino*, (1988) 202 Cal. App. 3d 296, 306-309, 248 Cal. Rptr. 352.
2. Cumulative impacts of the entire project should have been reviewed (PRC section 15165, *Laurel Heights Improvement vs. Regents of University of California*, 47 Cal. 3d 376, 396-99, 253 Cal. Rptr. 426 (1988)). The Palm Avenue construction is openly recognized as the first step in the massive Street-Ends-Improvement Project (Initial study, p. 17), and environmental review can not be circumvented by treating the large project as a succession of smaller ones.
3. The complex question of sensitive wildlife on this part of the beach should have been addressed. At least twenty rare or endangered life forms live in the area, and only two are even mentioned in City reports. A single page was devoted to the complex environmental aspects of this project.
4. Totally inadequate mitigation measures are proposed, as follows: (1) placement of off-site informational signs at the end of Seacoast Drive, (2) week-end enforcement of existing leash laws and (3) patrolling by unqualified volunteers during the grunion season. These measures are

nothing more than general civic responsibilities which are clearly the duties of the City anyhow, and they involve no actual design accommodations. PRC §21081(a) requires that "changes or alterations (be) incorporated into the project which mitigate" environmental effects. There were no changes or alterations in this case.

6. There is no mitigation monitoring plan as required by state law, PRC §21081.6(a)(1).

7. All cities are required to adopt ordinances which establish local environmental guidelines, PRC §21082. The City of Imperial Beach should take immediate steps to comply with the law in this regard.

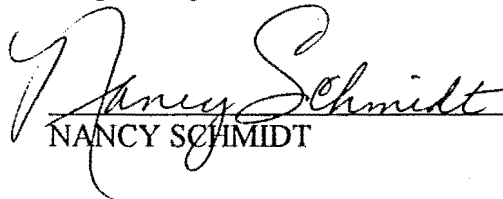
We submit that the City should have considered the application of CEQA in regard to its compliance with the Local Coastal Program. Such blatant violation of environmental protection laws should not be condoned.

VII. CONCLUSION.

The proposed plan for the Palm Avenue project is seriously flawed, and its approval was clearly improper. Full access to the beach can be provided without endangering the delicate marine environment, and it can be provided without putting up damaging seawalls in violation of state law and local regulations.

A City should not be allowed to violate the clear requirements of its own Local Coastal Program. Approval of this project should not be upheld.

Respectfully submitted,


NANCY SCHMIDT

Date: January 29, 2001

WILLIAM L. FISCHBECK, ESQ. #068883
FISCHBECK & OBERNDORFER, A.P.C.
5464 Grossmont Center Drive, Third Floor
La Mesa, California 91942
(619) 464-1200

Attorneys for Nancy J. Schmidt, Appellant

**Re: Imperial Beach Public Project: Palm Ave. and
Carnation Ave., Beach Street End EIA 99-11/MF471
CP99-05, SPR905, ORC99-08
Coastal Commission Appeal**

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego, State of California. I am over the age of eighteen years and not a party to the within entitled action; my business address is 5464 Grossmont Center Drive, Third Floor, La Mesa, California 91942.

On January 29, 2001, I served the foregoing document(s) described as:

1. APPELLANT'S INITIAL ARGUMENT

on the interested parties in said action:

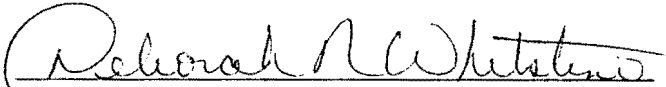
California Coastal Commission
7575 Metropolitan Drive
San Diego, CA 92108
Telephone: 767-2370
Facsimile: 767-2384

By placing the original a true copy thereof enclosed in a sealed envelope addressed as follows:

(BY MAIL) I deposited such envelope in an internal collection basket. The envelope was mailed from San Diego, California with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if a postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in the affidavit.

- (BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the addressee.
- (BY FACSIMILE)** I faxed such document from San Diego, California to the facsimile number(s) shown on the attached service list. The sending facsimile machine number is (619) 464-6471. The transmission was reported as complete and without error and the transmission report was properly issued by the transmitting facsimile machine.
- (STATE)** I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on January 29, 2001, at San Diego, California.


Deborah N. Whetstine

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



RECEIVED

NOV 17 2000

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Please Review Attached Appeal Information Sheet Prior to Completing This Form.

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

SURFRIDER FOUNDATION - SAN DIEGO CHAPTER, TODD T. CARDIFF
7227 BLACKTON DR.
LA MESA, CA 91941 (619) 466-0487
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: CITY OF IMPERIAL BEACH

2. Brief description of development being appealed: G-TMB-00-225, IMPERIAL BEACH PALM AVENUE IMPROVEMENT w/ NORTH-SOUTH ACCESS RAMPS

3. Development's location (street address, assessor's parcel no., cross street, etc.): PALM AVENUE STREET END

- 4. Description of decision being appealed:
 - a. Approval; no special conditions:
 - b. Approval with special conditions:
 - c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: ~~619MB-00-225~~ A-6-IMB-00

DATE FILED: 11/17/2000

DISTRICT: San Diego

EXHIBIT NO. 3
APPLICATION NO.
A-6-IMB-00-186
Surfrider Appeal
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: NOV 1ST, 2000

7. Local government's file number (if any): _____

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) FRANK URTANSAN - PORT OF SAN DIEGO

(2) STUART NORSELL
664 Ocean Lane
Imperial Beach, CA 91932

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

LOCAL LCP ALLOWS for Project ¹/₂ SOME Shoreline
Protective Device. However Project IS NOT
DESIGNED TO MINIMIZE ADVERSE IMPACTS.
SEA WALL IS PLACED BELOW MEAN HIGH TIDE
LINE. Other DESIGNS WERE SUGGESTED TO
MINIMIZE IMPACT WERE IGNORED. Project FAILS
ON § 30253. Loss of SAND ~~will~~ Will Reduce Access
§ 30211. MORE DETAILED Letter of Appeal Will
Follow When Full Record is Available From Imperial BEACH

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge.

Signed Robert P. Conroy - Executive Board MEMBER
Appellant or Agent SAN DIEGO CHAPTER of SIXTRIDER

Date 11/17/2000

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed _____
Appellant

Date _____

PALM AVENUE STREET END PROJECT PLANNING PROCESS REVIEW AND ALTERNATIVE ANALYSIS

INTRODUCTION


The Palm Avenue Street End enhancement project is a capital improvement project identified both in the Port of San Diego Master Plan and the City of Imperial Beach Local Coastal Plan. The project includes street end hardscape and landscape improvements, increased street parking, public art, viewing platform, and the construction of beach access routes that will provide year-round beach access to the public and emergency vehicles. The overlook platform and access routes are in the jurisdiction of the City of Imperial Beach.

Throughout the planning process, project input has been obtained from the ADA Community, local lifeguards, city staff, coastal engineers, and the general public. Several public hearings were conducted in the planning process. A public workshop was held on June 24, 2000 at the Imperial Beach Safety Center and three (3) public hearings where the project was reviewed, supported and approved by: The Tidelands Advisory Committee (May 3, 1999), the Design Review Board (May 25, 1999) and Imperial Beach City Council (June 2, 1999).

Early in the planning process, a city appointed subcommittee consisting of two City Council members, Imperial Beach Port Commissioner, City and Port staff developed project objectives. Following are project objectives developed by the City subcommittee:

PROJECT OBJECTIVES

1. Public Access to the beach
2. Vehicle (emergency and maintenance) access to the beach
3. Landscaping
4. Hardscape
5. Improved drainage – a low flow collection system is proposed
6. Life guard station removal
7. Create a destination
8. Public Art
9. Pump Issues (storm water) – Durable, low maintenance, underground system
10. View corridor preservation

EXHIBIT NO. 4
APPLICATION NO. A-6-IMB-00-186
Alternative Analysis
 California Coastal Commission

OPTIONS AND ALTERNATIVES

Three rounds of alternatives were developed during the two-year planning process:

The first round of five (5) alternatives, or options was presented to the subcommittee on January 21, 1999. (Options A through E, attached.) These included two (2) options with east-west ramps and three (3) options with a central plaza and north-south ramps providing lateral beach access. The subcommittee selected Options A & B that best met the project objectives for further development.

Options A & B

Options A & B were selected for the following reasons:

- optimal plaza space
- access from Palm Avenue to the beach, and overall beach access by emergency and maintenance vehicles
- locations for lifeguard stations
- general compliance with project objectives

Option C

Option C was rejected because the placement of the lifeguard tower was not possible. The plaza was relatively small and beach access by vehicles across the plaza was impeded.

Options D & E

Options D & E were rejected because the vehicle ramp dominated the proposed plaza area, the placement of lifeguard stations was ineffective or conflicted with access routes, and the plaza was compromised. These options required extensive removal of portions of the groin, reducing the sand retention ability of the groin, and exposing the storm drain outfall pipe directly onto the beach. In Option D, the switchback ramps were seen as unusual and eliminated most of the viewing area on the plaza. In both options, the east-west vehicle ramps compromised the shore protection by allowing waves an easier path through the plaza increasing the probability of upland flooding.

The second round of six (6) options was based on the two (2) selected options from the previous review. The subcommittee reviewed the second round of six (6) options on February 1, 1999 and selected the preferred design that best met the project objectives. The preferred design was forwarded to the City of Imperial Beach Tidelands Advisory Committee and Design Review Board for review and approval. Subsequently, this

became the preferred alternative in May 1999. The Imperial Beach City Council approved the design on June 2, 1999.

On May 17, 2000, the Coastal Development Permit for the preferred alternative was considered by the City Council. Public concerns were voiced regarding the project beach access ramps and the issuance of the Coastal Development Permit. The Port District withdrew its application to further study alternatives to address the concerns expressed by the citizens. This led to the third round of six (6) additional alternatives, which are summarized below. These six (6) final alternatives focus on the portion of the project under the City's jurisdiction, and address issues raised at the public hearing.

At the June 24, 2000 public workshop, all six (6) alternatives were presented to the public for comment and input. Alternative 1 was **strongly** supported by the community. The plans for each of the final alternatives list the pros and cons of each design.

ALTERNATIVE 1:

Alternative 1 maintains the key features of the preferred alternative presented at the May 17, 2000 Council; and, mitigates many of the concerns voiced by the public. Alternative 1 is the project alternative, which is being appealed. Alternative 1 reduces the overall access route on the south from 100 feet to 42 feet. This ramp surface will be sandfilled. The 100 feet access route to the north was shortened to 60 feet and pulled westward six feet parallel to the eastern property line.

Alternative 1 has the least amount of rock revetment, the least amount of seawall structure, **and the least amount of encroachment on the beach while still meeting the project objectives.** In addition, the lifeguard station is in the preferred location for line-of-sight to the beach, and is least affected by disruptive pedestrian traffic and changes in elevation in the area of the tower. This alternative provides the simplest path for traversing the area with emergency and maintenance vehicles in the north-south direction and in the connection from the east to the beach area, while maintaining a large public space, which was also a project objective. Alternative 1 provided the best wave run-up protection of all the alternatives. Alternative 1 became the preferred alternative because it maintained all of the project objectives and, through a sloping surface at the west side of the plaza, it incorporates some of the benefits of an east-west ramp system. The ramp system in Alternative 1 complies with ADA standards, and is preferred by the disabled community.

ALTERNATIVE 2:

Alternative 2 provides central access to an asymmetrical overlook. There is no shore protection at the southwest corner, two lifeguard stations located at flanking overlooks, and a higher crest at the plaza frontage made Alternative 2 less desirable. The diminished shore protection is not consistent with the program requirements. Although

the asymmetrical ramp configuration is intended to take advantage of the tendency for sand to stockpile at the south side of the jetty, seasonal variations in sand level affect both sides of the jetty and will require the construction of sand ramps at low sand seasons. In addition, the asymmetrical ramp will require more complex maneuvers of emergency and maintenance vehicles when attempting vertical access. The creation of a lowered path will also create an area that is more likely to accumulate kelp and debris, and create a "well" that is more difficult to observe and monitor activities.

ALTERNATIVE 3:

Vehicle access across the plaza to the ocean is not possible in this alternative. Emergency vehicles would be required to drive to Pier Plaza or Daisy Avenue and drive north to get access to the beach.

The lifeguard towers would be required at the top of the jetty, requiring widening of the jetty or an additional structure would be needed to support the towers. The visual impact of a lifeguard tower at the center of Palm Avenue is not consistent with the project objectives. The compressed length of the access ramp requires westward encroachment of the seawall into beach area, adding up to about 500 sq. ft. in total area behind seawall, with the increase in the rounded shoulder areas of the seawall. Maneuvering across the "s" curve would require additional width or skill to maneuver, but the additional width was not evaluated. At the southwest corner, a stair is proposed to deal with potentially steep slopes and are inaccessible to persons with disabilities. The stair is also located in an area that is subject to greater fluctuations in sand level, and is therefore a significant maintenance element.

ALTERNATIVE 4:

An alternative shore protection method to remove the need for the vertical sheet pile wall is the armor blanket. This alternative replaces the seawall with a frontal protection consisting of a linked armor blanket with sand fill behind. Behind the access area, the plaza is protected by a seawall aligned with the adjacent seawall protecting private property. Because of the slope of the armoring, the fill area on the beach is substantially greater than that required by a method using a vertical wall system, plus the slope area extends farther onto active beach areas. The longer slope shown in this alternative extends to elevation +6.5. The requirement for toe stone at the bottom of this ramp was not evaluated. The filling of a larger beach area for the armor system and the access route is inconsistent with the Local Coastal Program.

ALTERNATIVE 5:

This alternative assumes that one length of ramp will lead asymmetrically from the south side to north. This takes advantage of sand stockpiling at the south side of the

jetty, and directs pedestrian and vehicle traffic to that side. The access for maintenance and emergency vehicles is much more complex, and the effect on the usefulness of the plaza is inconsistent with the project objective. The slope to the north results in a "cut" or "channel" that deepens to the north, creating retaining walls and drop-offs, that must be protected by guard rails or other protection system. The lifeguard station at the southwest frontage is affected by the focusing of pedestrian traffic to the rear and the limitations on a line-of-sight view in the event of a response, which will limit the effectiveness of the lifeguard operation.

This alternative was attractive because it required the least encroachment and structure on the beach. Like Alternative 2, the asymmetrical ramp configuration is intended to take advantage of the tendency for sand to stockpile at the south side of the jetty. Seasonal variations in sand level affect both sides of the jetty and will require the construction of sand ramps at low sand seasons. In addition, the asymmetrical ramp will require more complex maneuvers of emergency and maintenance vehicles when attempting vertical access. The access route extends to elevation +6, which will require toe stone at the north end. The grade separation between the access route and the plaza creates an area out of view from the street level. Potentially, this could create an unsafe environment. The unusual plaza configuration is not consistent with the program objectives.

ALTERNATIVE 6:

This alternative is an adaptation of the various alternatives proposed in concept by Mr. Schmidt. The access routes flank a central area of the plaza, creating paths to the low point in the plaza at elevation 11.5 or 12.0. This alternative will create a lower level of shoreline protection than other alternatives, due to the lowered frontal area of the plaza and the creation of slopes oriented toward the path of wave travel. This would increase the potential for upland flooding.

The placement of a lifeguard station at the center of the jetty means that a visual impact is created that is not consistent with the project objectives. It will also limit the direct view of the lifeguards to both sides of the jetty, requiring that a lifeguard will probably lose line-of-sight contact with the beach, and could delay responding to emergencies on both sides of the jetty.

The right turn to the beach requires additional paved area at elevation +9, which requires that the vertical seawall will encroach farther to the west than the preferred alternative, plus greater pavement and fill encroaching into in the sand area of the beach, plus a wider platform at the beach level. The creation of a lowered path will also create an area that is more likely to accumulate kelp and debris, and create a "well" that is more difficult to observe and monitor activities. This alternative does not provide a direct crossing for lateral access along the beach frontage and therefore, does not improve lateral beach access.

SCHMIDT ALTERNATIVE

The Schmidt's alternative design was considered and reviewed in detail by Port and City staff. This alternative has most of the disadvantages previously identified in the above alternatives, plus the disadvantages listed below. The requirements of making a right-angle turn at the beach level also requires that the ramp would extend outside the project boundary, even if it could be reduced to as little as 12 feet in width, as proposed by Mr. Schmidt. Landscaping would be removed on the north side, the storm water pump station would require relocation, no lateral beach access would be provided, and longer response time by lifeguards would occur. Generally, creation of a "well" area is disruptive to the creation of an open plaza, creates abrupt changes in elevation that require guard rails or other forms of protection, creates areas that accumulate debris and will be difficult to monitor for activities.

DISADVANTAGES OF EAST-WEST RAMP CONCEPTS:

During the two-year long planning process, it became evident that east-west ramp concepts had numerous disadvantages compared to the proposed north-south access ramp concepts.

1. An east-west ramp will be impacted by high-surf, high tide events, and create an unsafe condition on the ramp for pedestrians. The orientation of a sloping ramp in the direction of wave flow promotes penetration of waves into street areas.
2. The elevation at the crest of an east-west ramp, proposed to be +14.8 MLLW is too low to provide adequate wave run-up protection. Because the sloping ramp surface will promote greater run-up elevations, a greater height at the crest would be needed.
3. A seawall in front of the east-west ramp would be required to provide wave run-up and overtopping protection that is equivalent to the preferred north-south proposal. The creation of a lowered area immediately behind that shore protection for the purpose of turning areas, however, actually reduces the effectiveness of this outer shore protection.
4. The storm water pump station would require relocation to the south planters into an area adjacent to the existing condominium structure. The extreme depth of the pump station wet-well and the associated excavation would require dewatering, shoring, and support of the existing building foundation. Protection of the excavation and condominium building are necessary to avoid settlement of the condominium structure.
5. The life-safety path of travel is less direct. The creation of an area at beach level where the path of travel by members of the public could place individuals in a dangerous condition in which they may be subject to rapid wave run-up in an area in which they can not directly see the waves approaching.
6. The various configurations of the east-west ramps result in limited areas for the placement of the lifeguard towers. In some cases, the lifeguard tower location is limited to one central tower. The placement of a lifeguard tower requires direct access to the beach that will not require loss of line-of-sight contact with the

person needing assistance, plus a limitation on pedestrian traffic congestion, abrupt transitions in elevation, and guard rails and other impediments to emergency response. In addition, the location of one central lifeguard tower on Palm Avenue is a significant visual impact that is not consistent with the project goals.

7. An easement from the private property owner to the north would be needed. There is no assurance that the property owner would grant such an easement without compensation.
8. The east-west ramp shoreline protection would extend further into the beach area, therefore reducing the amount of sandy beach area available for the public's use. The ramp would not improve lateral beach access or passage.

ROCK REVETMENT

The preferred project includes a small amount of toe stone that dampens wave energy and minimizes end effects. The elevation of this stone area is no greater than +7.5 MLLW. The purpose of this stone is to provide a transition from the "sill" of the north access route, which is at elevation +8. The seasonal loss of sand fronting this area, combined with the end effect at the termination of the vertical shore protection, lead to the conclusion that a transitional stone element is necessary.

The stone is placed in a recessed pocket, generally behind the "string line" of the new shore protection, which will further promote sand retention in this area, thereby diminishing the impact of this installation. Since the overall length of the access route is the minimum needed to provide access to elevation +8, the north seawall has been shortened substantially.

To mitigate end effects, the project proposes to bury the minimum amount of toe stone necessary to dampen the wave reflectivity and absorb a portion of the wave energy. The transition from the sill at +8' MLLW would create a drop-off for any scour below +7' MLLW thus making necessary the revetment structure for safety of pedestrians using this established beach access point. The revetment would make it easier to maintain accessibility during a much wider range of sand conditions, and prevent a significant vertical drop in the event that scour occurs at this beach access location.

Without the revetment, the length of the ramp would be nearly twice as long to access the lower scour elevation. The sheet pile wall would encroach further into the beach. The revetment proposed results in the least environmentally damaging alternative, and is necessary for a variety of shore protection and access reasons.

CONCLUSION/JUSTIFICATION

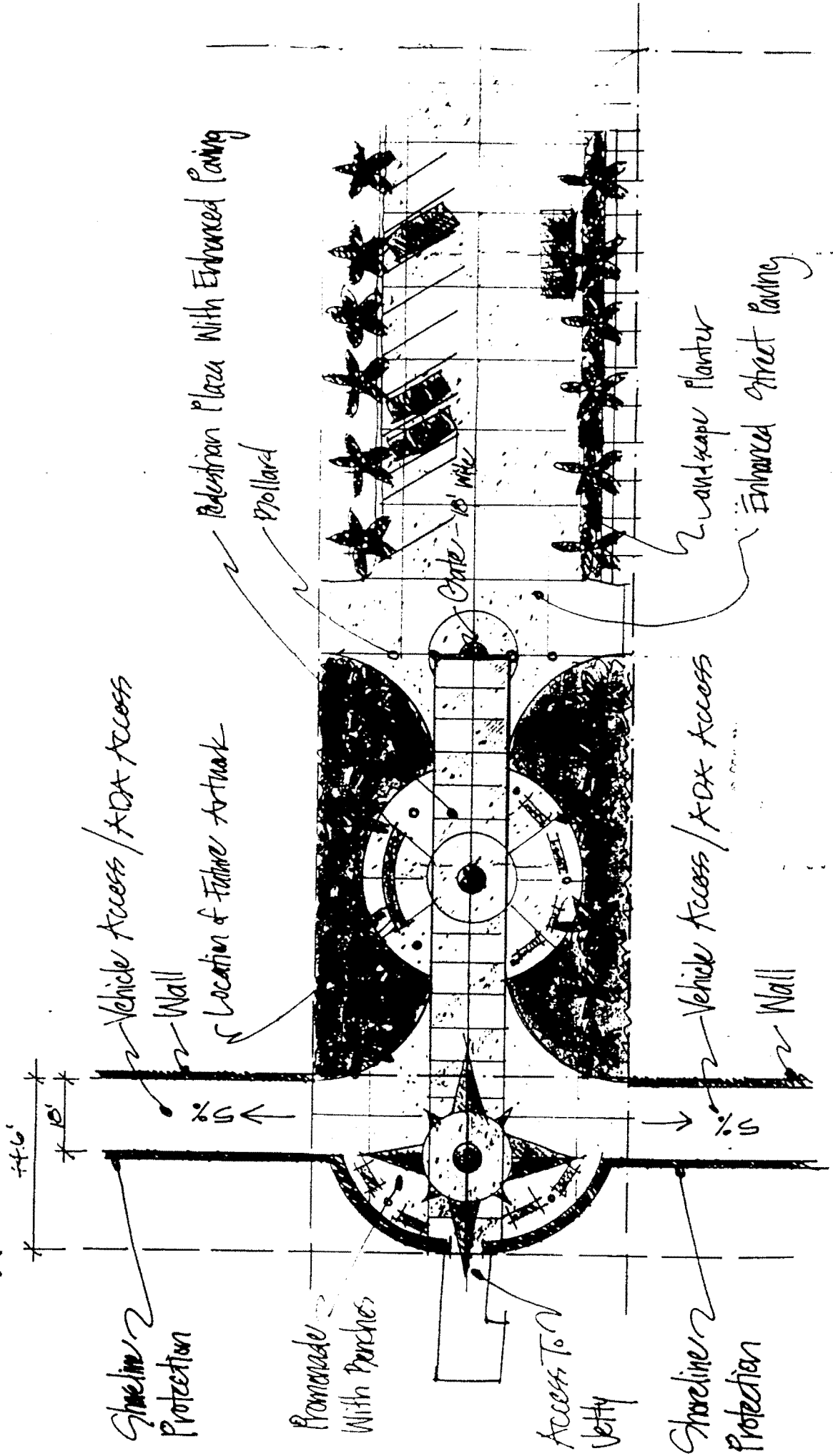
The project objectives summarize a community-based need for public recreation, access, safety and shore protection. Alternative 1 clearly meets these objectives better than any of the alternatives.

The existing operational requirements of storm water ejection, ADA access, are combined with an enhanced lateral and vertical access. There are significant public benefits that are balanced by the minimal construction of sheet pile walls and rip rap that extend into the sandy beach area beyond what is there today. The mitigated negative declaration certified for the project reduces environmental impacts to a level of insignificance. Therefore, the project (Alternative 1) with the required mitigation measures is the least environmentally damaging alternative.

Evaluation of alternatives, including those proposed by the objecting parties, has shown that alternatives that incorporate east-west access result in greater encroachment of structures onto the beach, with less public benefits and greatly increased maintenance requirements, plus operational limitations. The use of an east-west ramp orientation is not consistent with the project objectives or prudent engineering practice, and would result in further loss of sandy beach area for the public's use.

The City carefully weighed the impacts on the sandy beach area with the overall public benefits, and believes the project selected minimizes any loss of sandy beach area, and maximizes the public access to the beach while maintaining wave run-up protection and public safety. In doing so, however, significant compromises were required that reduced the effectiveness of shoreline protection, limited the usefulness of the pedestrian plaza for passive recreation, created areas that were difficult to maintain, and reduced the effectiveness of the lifeguard station. Because of the failure of these alternatives to meet significant project goals, they were rejected.

PALM AVENUE OPTION 'A'



Vehicle Access / ADA Access

Wall

Location of Future Artwork

Pedestrian Plaza With Enhanced Paving

Mollard

Gate - 10' wide

Vehicle Access / ADA Access

Wall

Landscape Planter

Enhanced Street Paving

Shoreline Protection

Promenade with Benches

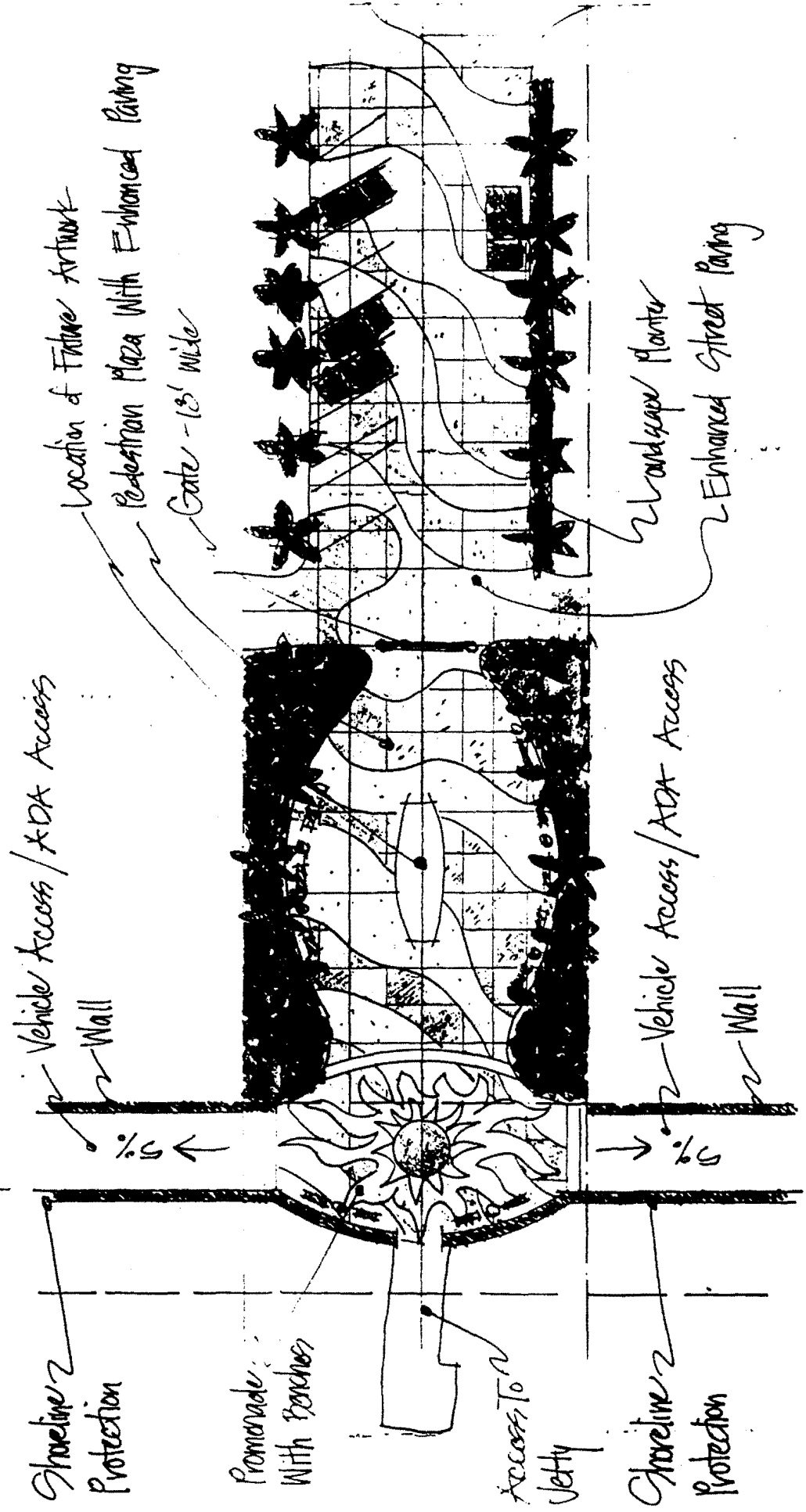
Access to Vetty

Shoreline Protection

PALM AVENUE

OPTION 'B'

44'0"
10'



Vehicle Access / ADA Access

Wall

Shoreline Protection

Promenade with Benches

Access To Jetty

Shoreline Protection

Vehicle Access / ADA Access

Wall

Location of Future Artwork

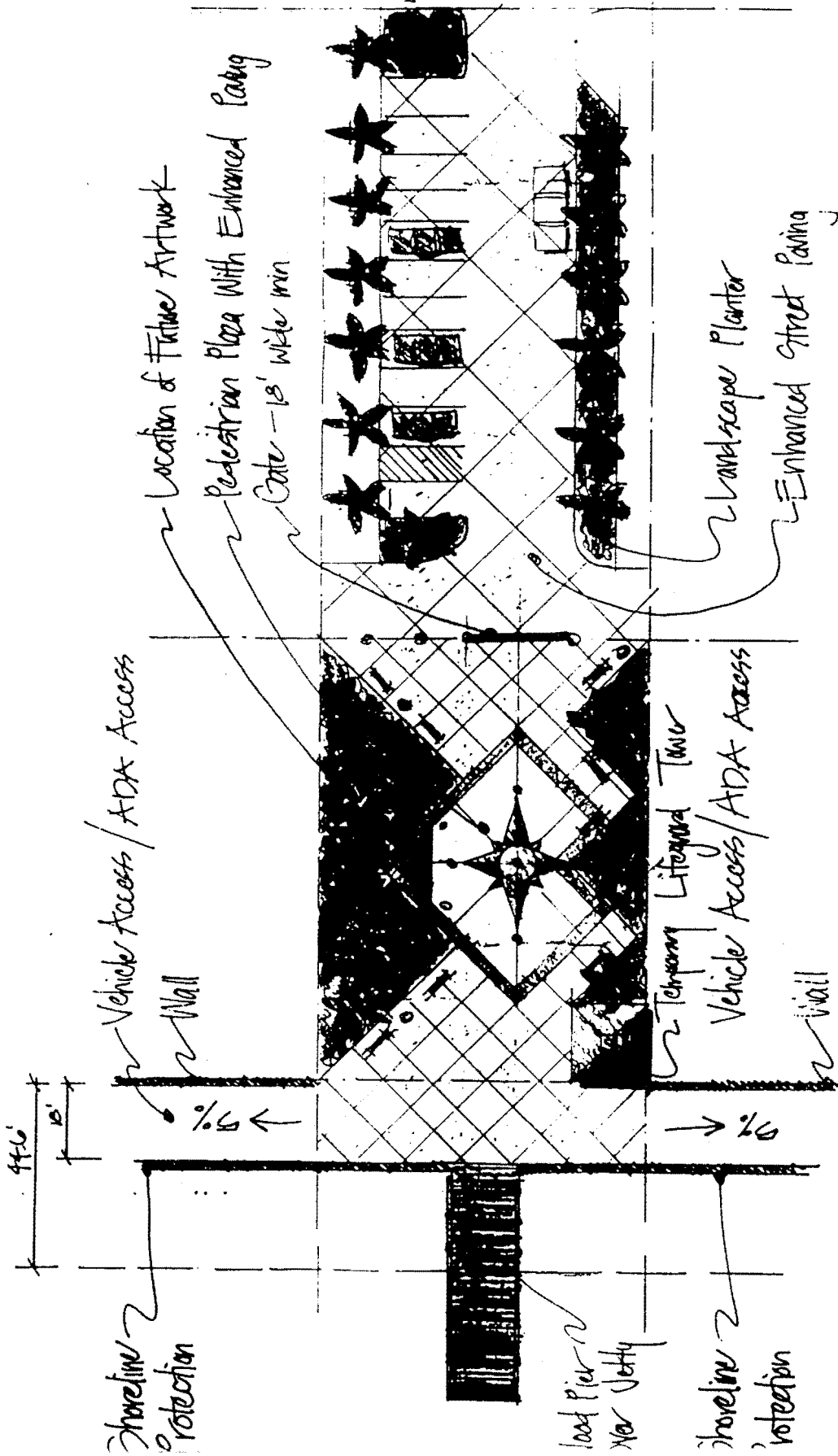
Pedestrian Plaza with Enhanced Paving

Gate - 18' wide

Landscape Planter

Enhanced Street Paving

PALM AVENUE OPTION 'C'



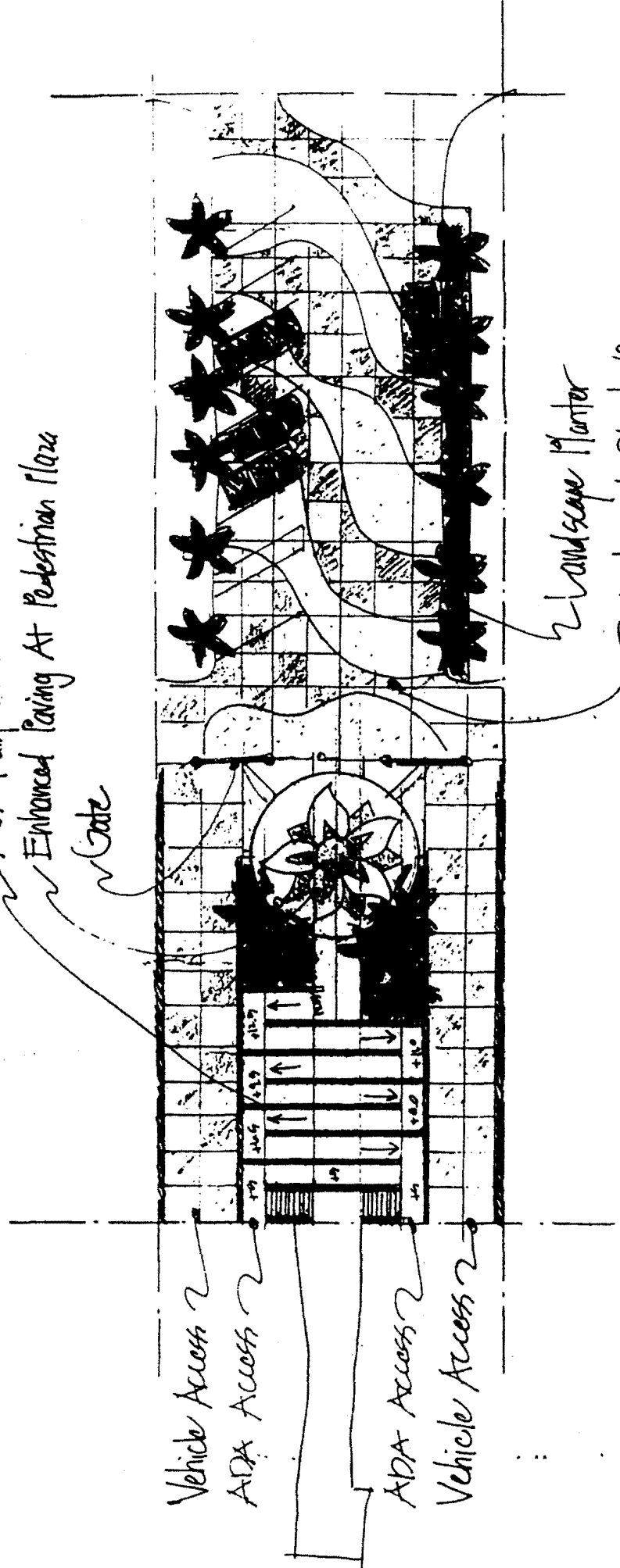
PALM AVENUE OPTION 'D'

ADA Ramp With Walls
Enhanced Paving At Pedestrian Plaza

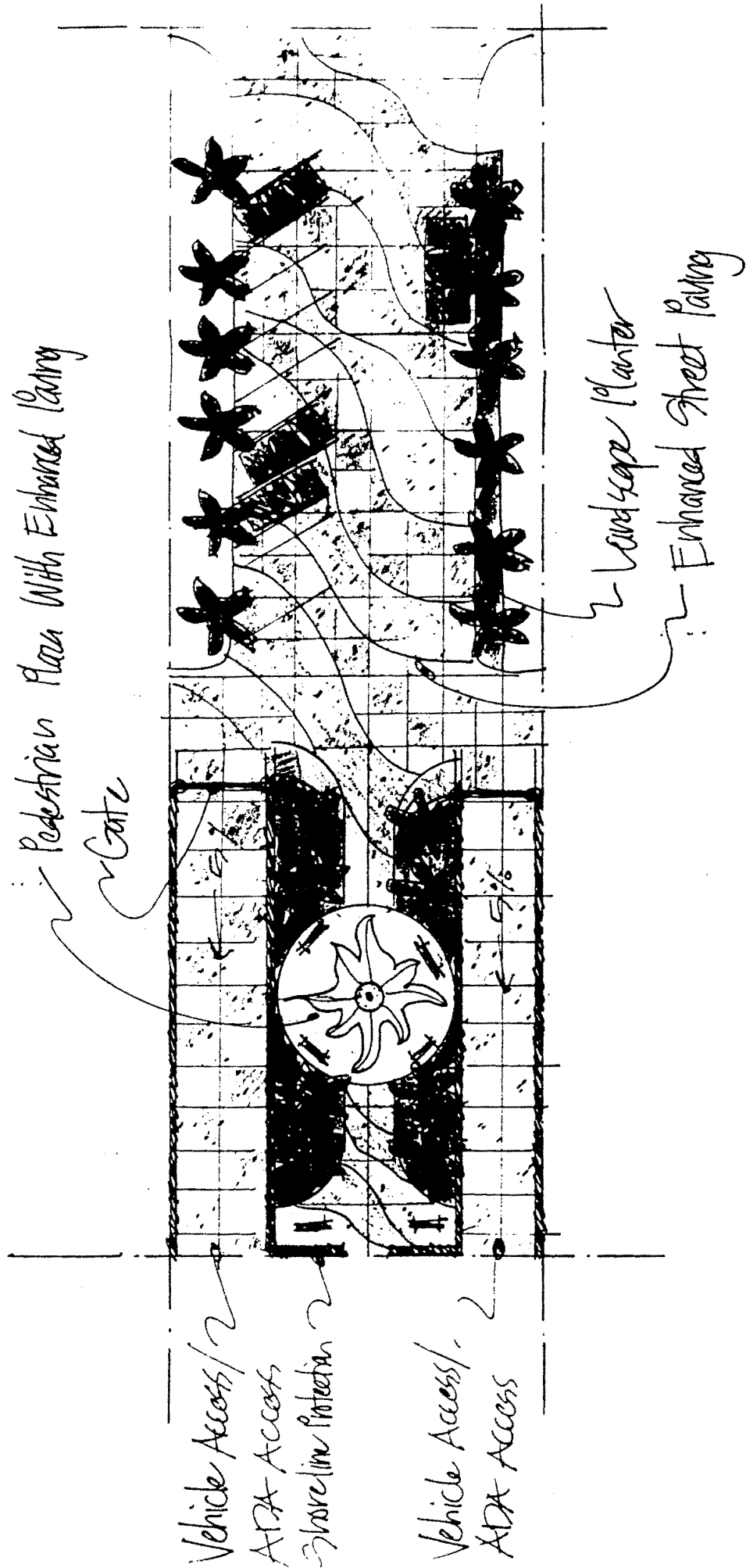
Gate

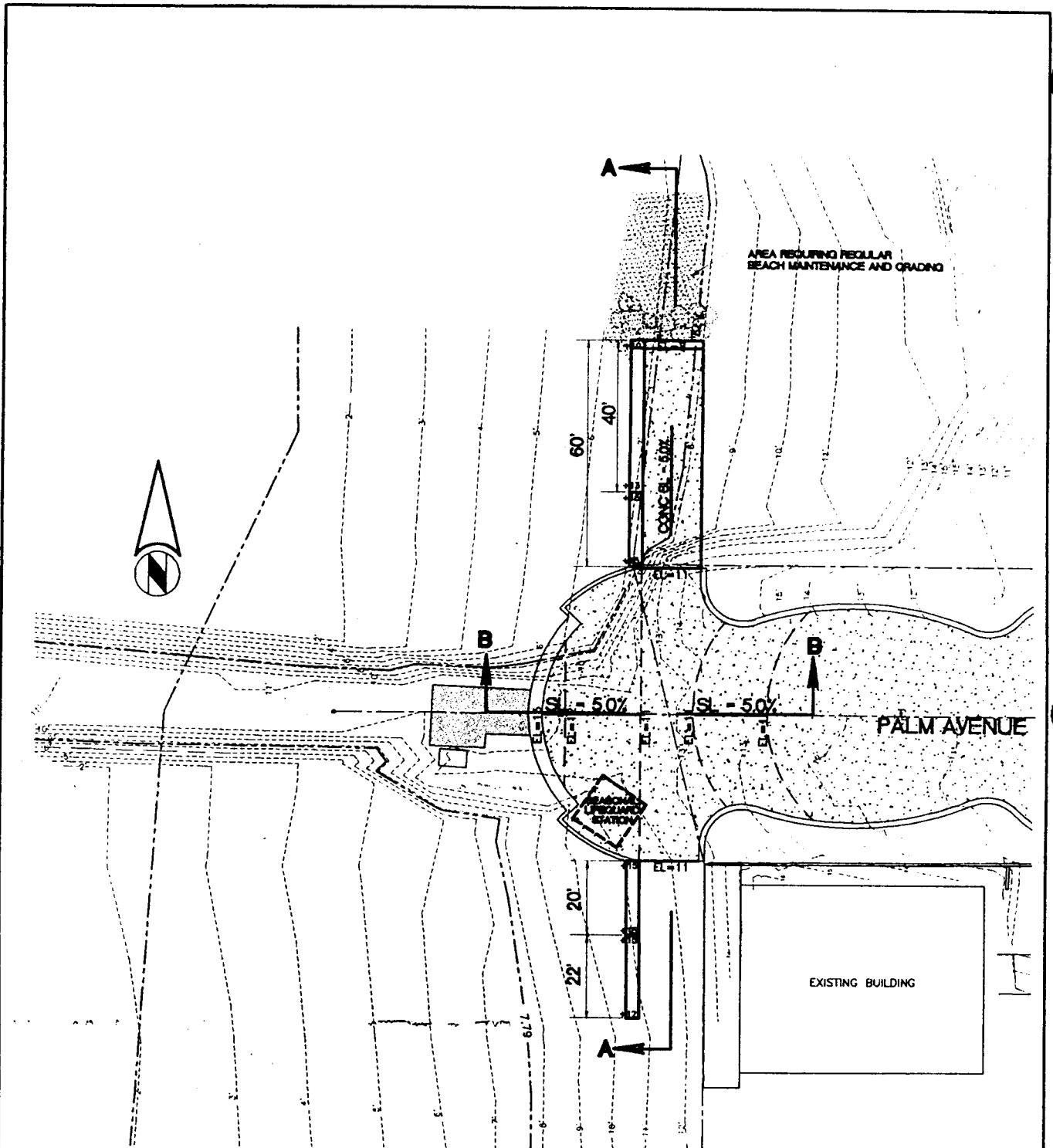
Vehicle Access ~
ADA Access ~
ADA Access ~
Vehicle Access ~

~ Landscape Planter
~ Enhanced Street Curb



PALM AVENUE
OPTION 'E'





SITE PLAN

SCALE : 1" = 10'

ALT 1

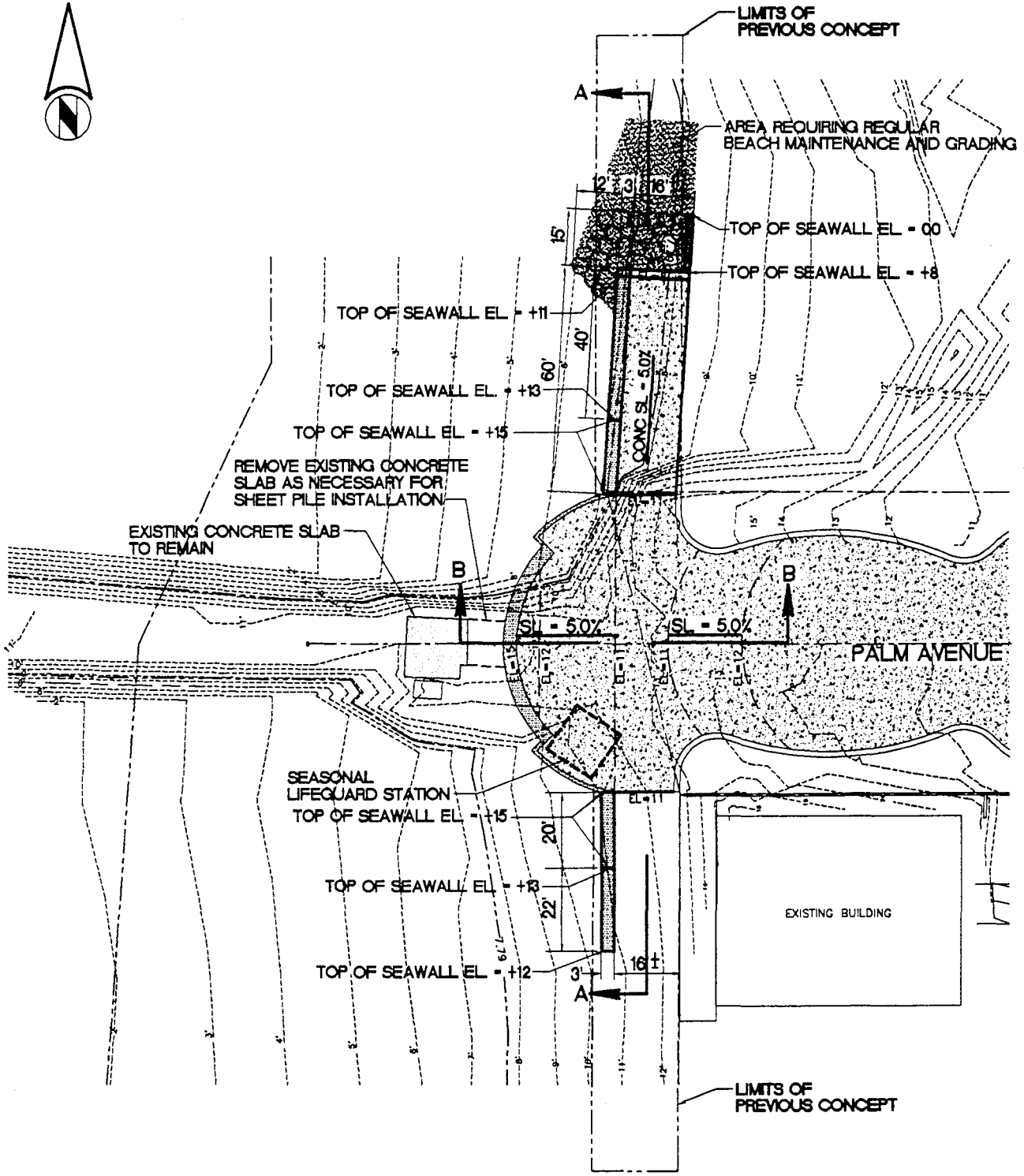
PURPOSE :
 TO INSTALL EROSION PROTECTION
 AND ADA ACCESS
DATUM : M.L.L.W.
ADJACENT PROPERTY OWNERS :
 SAN DIEGO UNIFIED PORT DISTRICT
 CITY OF IMPERIAL BEACH

SAN DIEGO UNIFIED PORT DISTRICT
 3165 PACIFIC HIGHWAY
 SAN DIEGO, CA., 92101

ASST. DIRECTOR OF ENGINEERING :

DRAWN BY : JPM **CHECKED BY :** WFG

- PROS:**
1. LITTLE IMPACT TO OVERLOOK PLAZA DESIGN
 2. REDUCED CONCRETE RAMP LENGTH (40')
 3. PEDESTRIAN AND VEHICULAR ACCESS
 4. INCREASED SAND AREA ON RAMP W/ REQ. MAINT.
 5. ACCOMMODATES LIFE GUARD TOWERS
- CONS:**
1. LOWER PUMP STATION WET WELL ELEVATION
 2. INCREASED MAINTENANCE OF RAMP BEACH
 3. ADA ACCESS LIMITED DURING OCCASIONAL ERODED CONDITION • TOE OF RAMP UNTIL MAINT. GRADING OCCURS



SITE PLAN

SCALE : AS SHOWN
 0 10' 20' 30'

ALTERNATIVE 1 REVISED

SAN DIEGO UNIFIED PORT DISTRICT
 3165 PACIFIC HIGHWAY
 SAN DIEGO, CA, 92101

PURPOSE :
 INSTALL EROSION PROTECTION
 FOR STREET ENDS AND PROVIDE
 ADA ACCESS TO BEACH

EXHIBIT
PALM AVENUE
COASTAL IMPROVEMENTS

STREET END IMPROVEMENTS
 IMPERIAL BEACH, CALIFORNIA

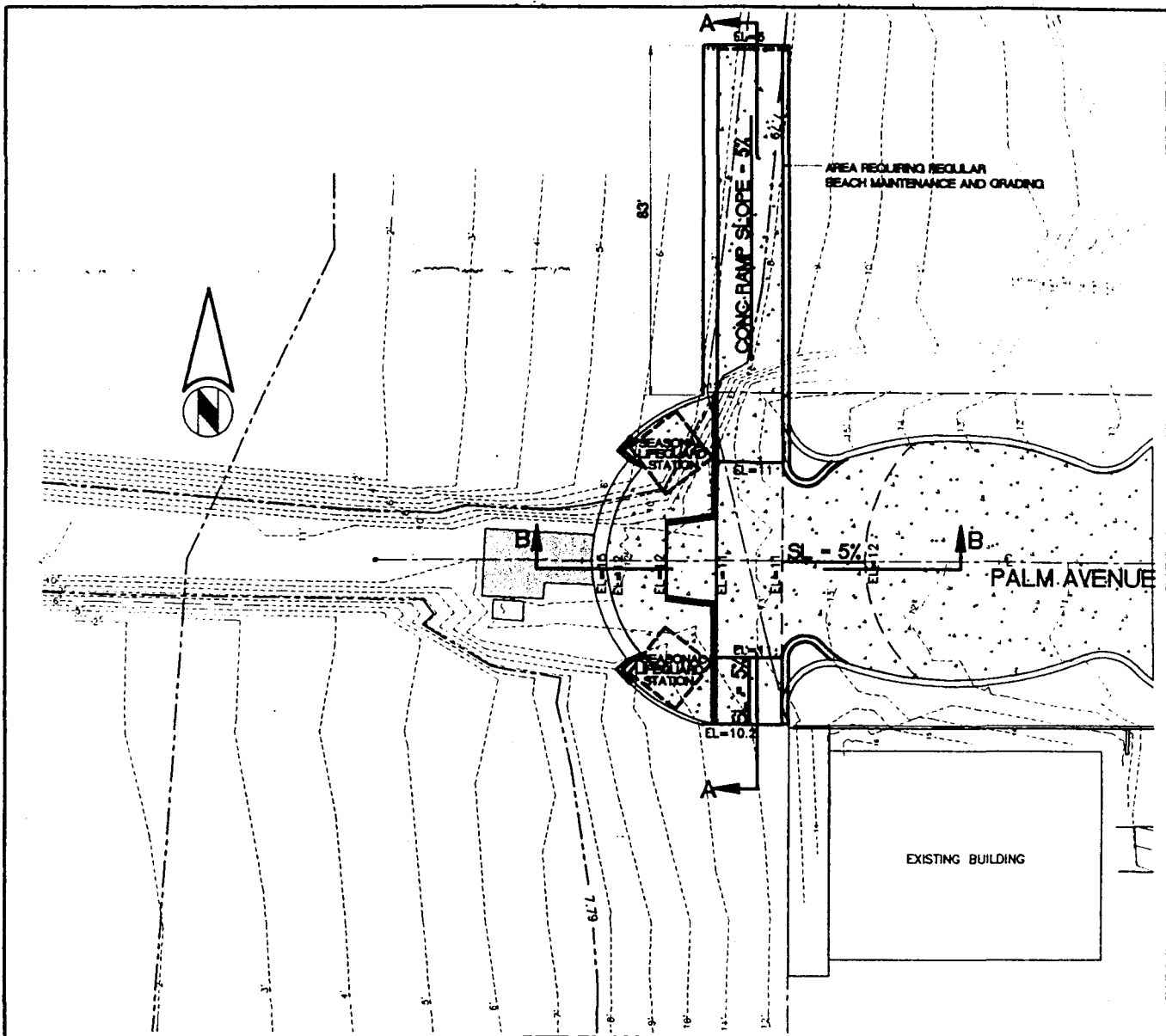
DATUM : M.L.L.W.

DATE : 8-9-00

SHEET 1 OF 2

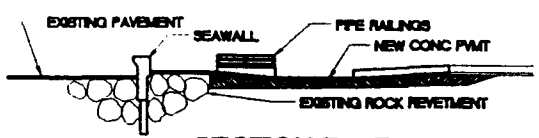
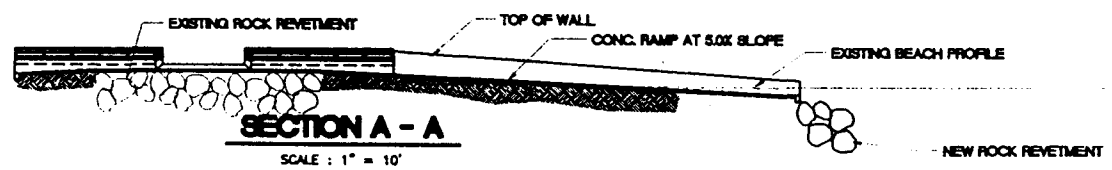
DRAWN BY: JPM

CHECKED BY: WFG



SITE PLAN

SCALE : 1" = 10'



ALT 2

PURPOSE :
TO INSTALL EROSION PROTECTION AND ADA ACCESS

DATUM : M.L.L.W.

ADJACENT PROPERTY OWNERS :
SAN DIEGO UNIFIED PORT DISTRICT
CITY OF IMPERIAL BEACH

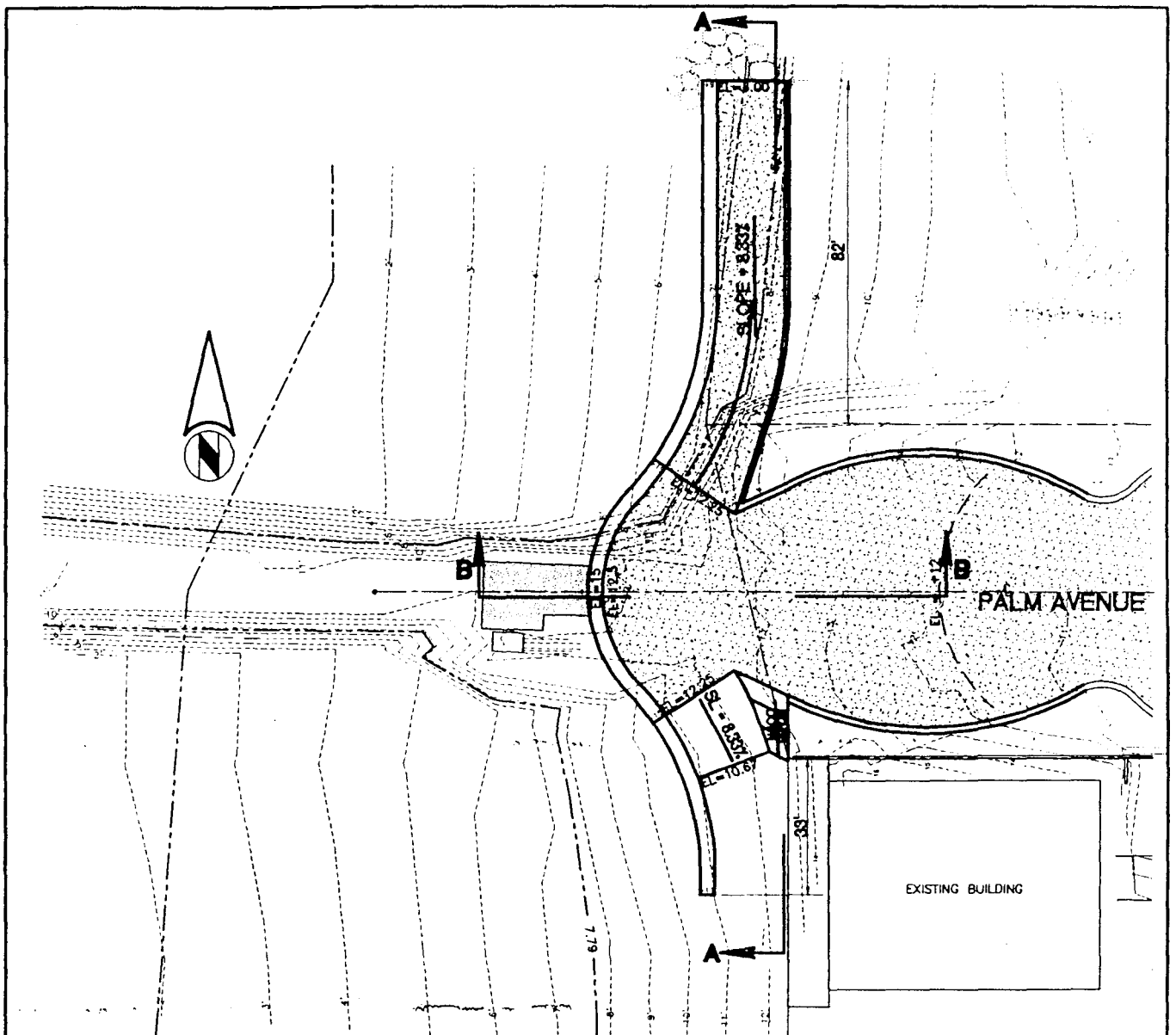
SAN DIEGO UNIFIED PORT DISTRICT
3165 PACIFIC HIGHWAY
SAN DIEGO, CA., 92101

ASST. DIRECTOR OF ENGINEERING :

DRAWN BY : JPM CHECKED BY : WFG

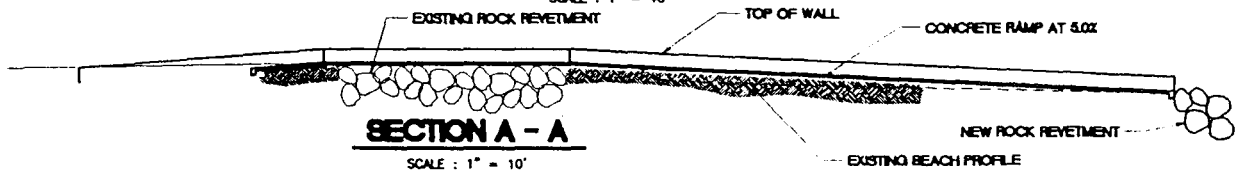
- PROS:**
1. MODERATE IMPACT TO OVERLOOK PLAZA DESIGN
 2. REDUCED RAMP (17')
 3. ACCOMMODATES LIFE GUARD TOWERS
 4. PEDESTRIAN ACCESS PROVIDED
 5. CONTIGUOUS VEHICULAR ACCESS ALONG BEACH

- CONS:**
1. LIMITED VEHICLE ACCESS DOWN PALM AVE.
 2. NEW LIFE GUARD STATION AND CRANE INSTALLATION



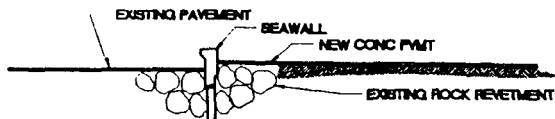
SITE PLAN

SCALE : 1" = 40'



SECTION A - A

SCALE : 1" = 10'



SECTION B - B

SCALE : 1" = 10'

ALT 3A

PURPOSE :
TO INSTALL EROSION PROTECTION
AND ADA ACCESS

DATUM : M.L.L.W.
ADJACENT PROPERTY OWNERS :
SAN DIEGO UNIFIED PORT DISTRICT
CITY OF IMPERIAL BEACH

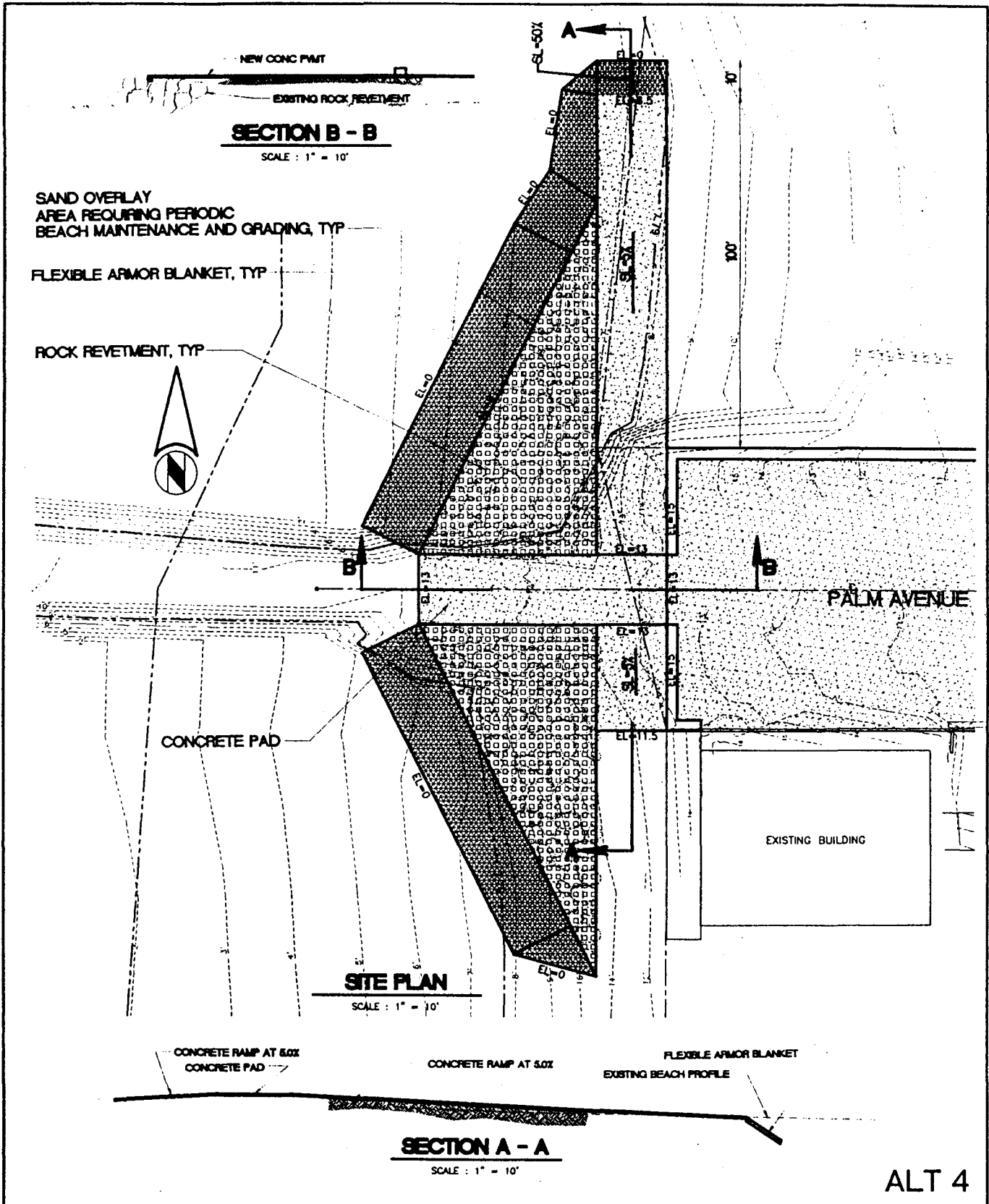
SAN DIEGO UNIFIED PORT DISTRICT
3165 PACIFIC HIGHWAY
SAN DIEGO, CA., 92101

ASST. DIRECTOR OF ENGINEERING :

DRAWN BY : JPM **CHECKED BY :** WFG

PROS:
1. REDUCED RAMP LENGTH (80')
2. PEDESTRIAN ACCESS PROVIDED

CONS:
1. LIMITED VEHICLE ACCESS
2. NO LIFEBOAT TOWERS ON OVERLOOK
3. CHANGE TO OVERLOOK PLAZA DESIGN



PURPOSE :
TO INSTALL EROSION PROTECTION
AND ADA ACCESS

DATUM : M.L.L.W.

ADJACENT PROPERTY OWNERS :
SAN DIEGO UNIFIED PORT DISTRICT
CITY OF IMPERIAL BEACH

SAN DIEGO UNIFIED PORT DISTRICT
3165 PACIFIC HIGHWAY
SAN DIEGO, CA., 92101

ASST. DIRECTOR OF ENGINEERING :

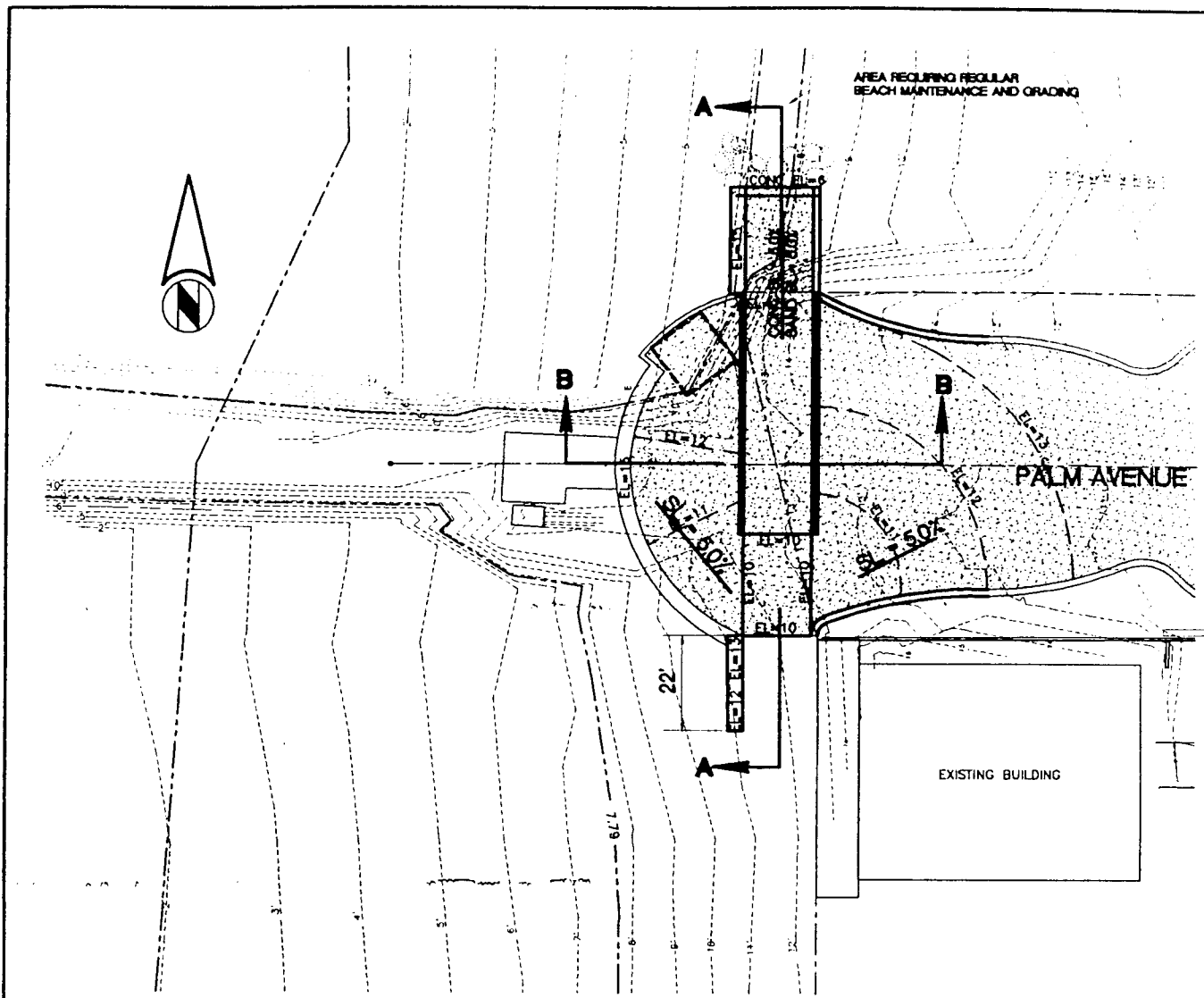
DRAWN BY : JPM CHECKED BY : WFG

PROS :

1. LARGER 'SAND' AREA W/ REGULAR MAINTENANCE
2. VEHICULAR AND PEDESTRIAN ACCESS PROVIDED

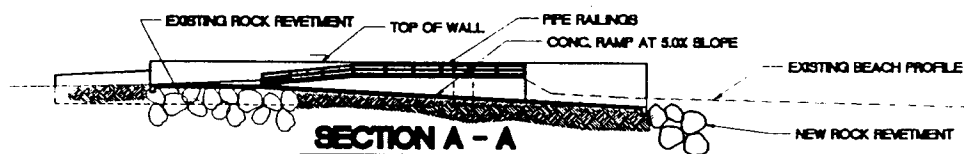
CONS :

1. OVERTOPPING AT BEACH ENTRANCE AND RUN-UP ON PALM AVE
2. NO LIFEGUARD TOWERS ON OVERLOOK
3. SIGNIFICANT IMPACT TO OVERLOOK DESIGN
4. LARGER FOOTPRINT OF GROIN AND REVETMENT
5. MAINTENANCE INTENSIVE (SAND GROOMING)
6. FREQUENT EXPOSURE OF REVETMENT



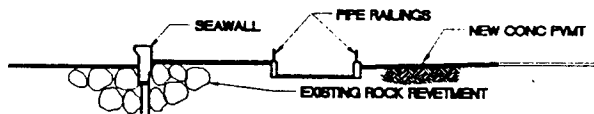
SITE PLAN

SCALE : 1" = 10'



SECTION A - A

SCALE : 1" = 10'



SECTION B - B

SCALE : 1" = 10'

ALT 5

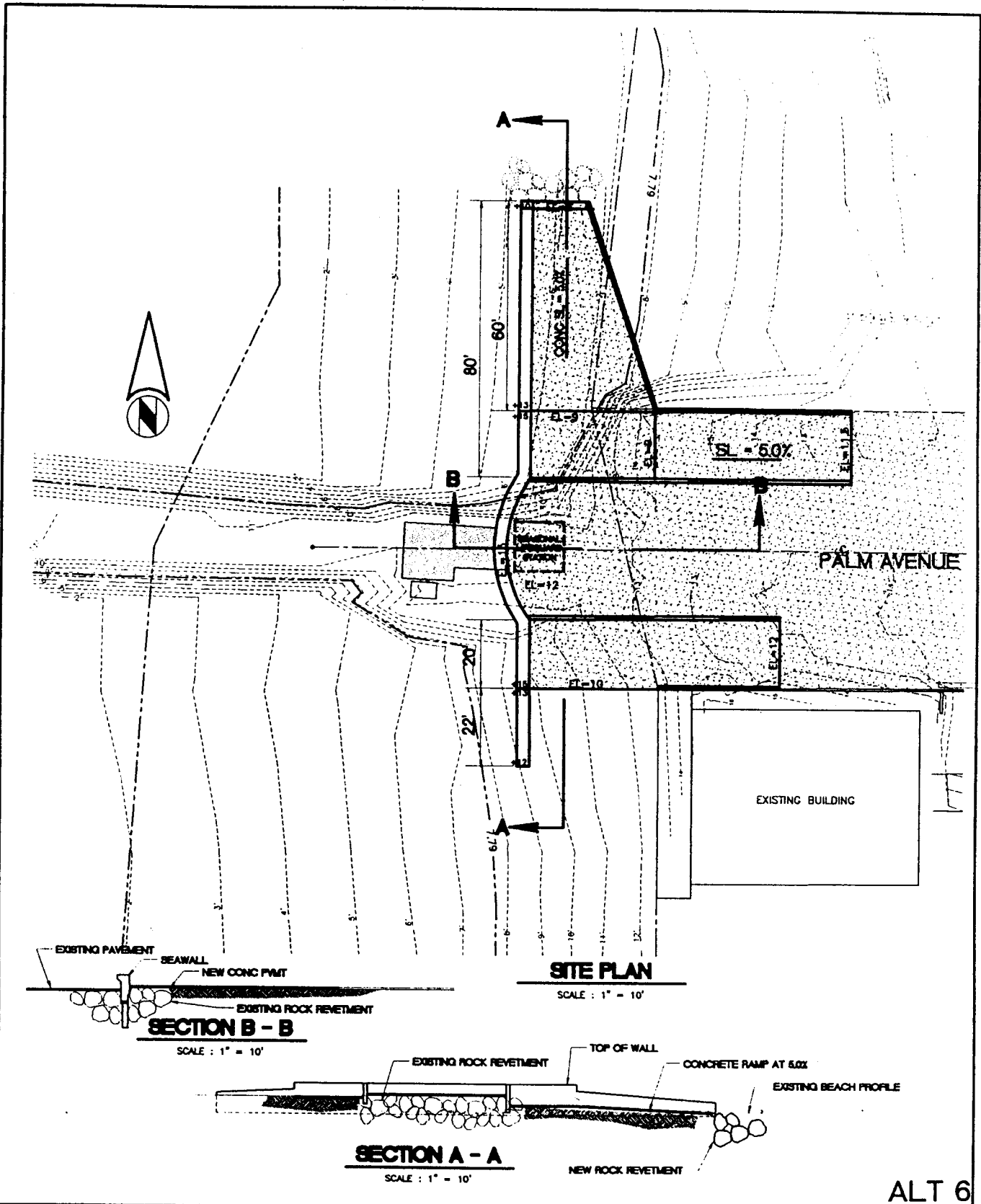
PURPOSE :
TO INSTALL EROSION PROTECTION
AND ADA ACCESS
DATUM : M.L.L.W.
ADJACENT PROPERTY OWNERS :
SAN DIEGO UNIFIED PORT DISTRICT
CITY OF IMPERIAL BEACH

SAN DIEGO UNIFIED PORT DISTRICT
3165 PACIFIC HIGHWAY
SAN DIEGO, CA, 92101

ASST. DIRECTOR OF ENGINEERING :

DRAWN BY : JPM CHECKED BY : WFG

- PROS**
1. REDUCED CONCRETE RAMP LENGTH (24')
 2. PEDESTRIAN AND LATERAL VEHICULAR ACCESS PROVIDED
- CONS**
1. LOWER PUMP STATION WET WELL ELEVATION
 2. LIMITED VEHICULAR ACCESS FROM PALM AVENUE
 3. SPECIALIZED LIFEBOAT STATION W/ CRANE INSTALLATION/ NO LIFE GUARD STATION ON OVERLOOK
 4. SIGNIFICANT IMPACT TO OVERLOOK DESIGN

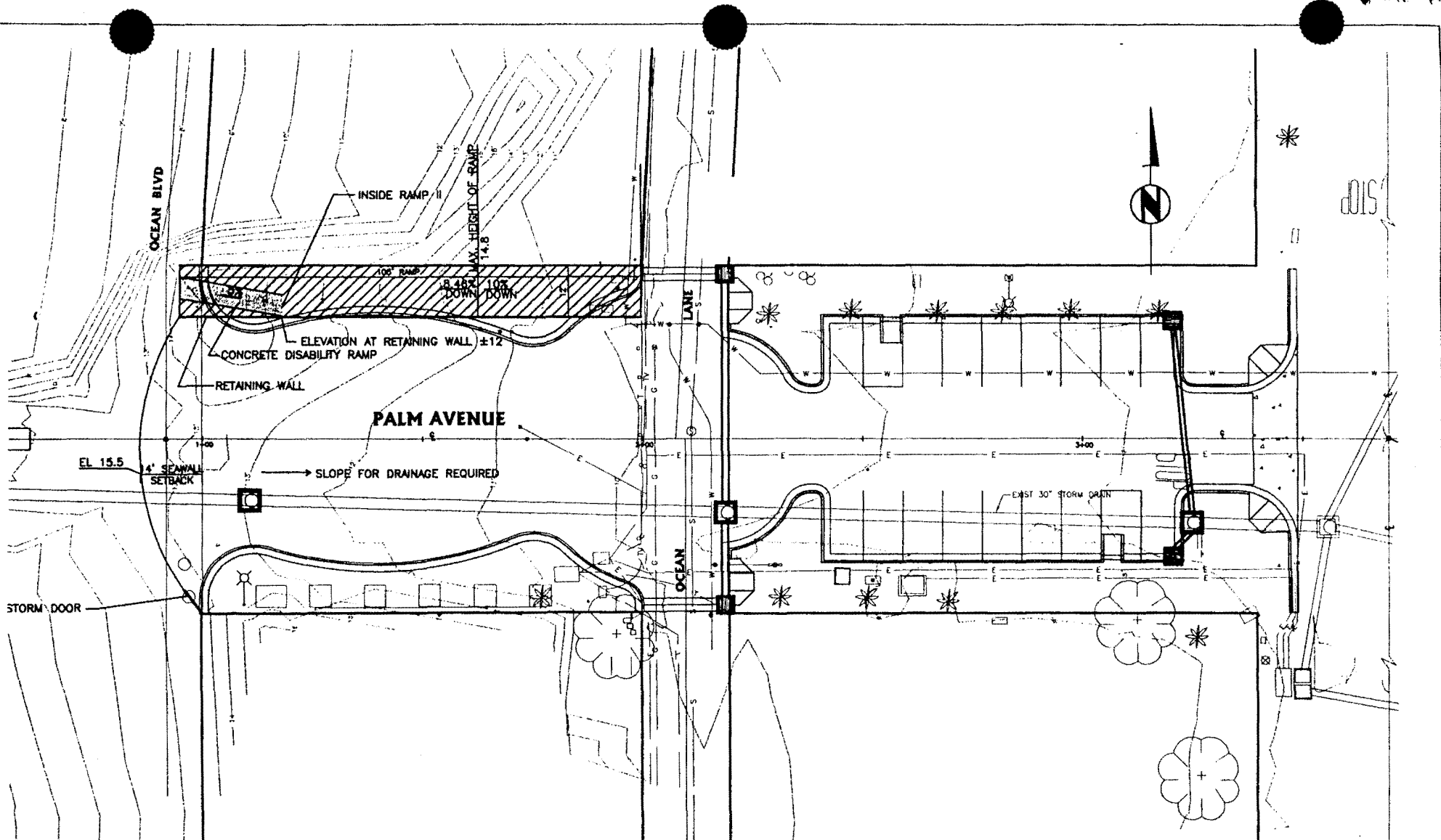


ALT 6

PURPOSE :
TO INSTALL EROSION PROTECTION
AND ADA ACCESS
DATUM : M.L.L.W.
ADJACENT PROPERTY OWNERS :
SAN DIEGO UNIFIED PORT DISTRICT
CITY OF IMPERIAL BEACH

SAN DIEGO UNIFIED PORT DISTRICT
3165 PACIFIC HIGHWAY
SAN DIEGO, CA., 92101
ASST. DIRECTOR OF ENGINEERING :
DRAWN BY : JPM CHECKED BY : WFG

- PROS**
- 1. EAST - WEST ACCESS
 - 2. VERTICAL AND LATERAL MAINTENANCE AND EMERGENCY VEHICLE ACCESS PROVIDED BOTH FROM PALM AVE. AND FROM NORTH BEACH TO SOUTH BEACH.
 - 3. CURRENT LIFEQUAD TOWER ACCOMMODATED.
 - 4. ADA COMPLIANT ACCESS PROVIDED TO NORTH AND SOUTH BEACHES.
- CONS**
- 1. IF TURNING RADIUS REQUIREMENTS PUSH SEAWALL BY SEAWARD
 - 2. SHEET PILING INSTALLED ON PROPERTY LINE ADJACENT TO EXISTING STRUCTURES.
 - 3. SIGNIFICANT IMPACT TO CURRENT PLAZA DESIGN
 - 4. INCREASE IN OVERSHOOTING AND WAVE RUN-UP VOLUME TO BEACHES BEHIND DRIVE.
 - 5. VEHICLES MUST ACCESS BEACONANT LANE FOR BEACH EMERGENCY ACCESS.



CONS

- 1- 12' RAMP REQUIRES ADDITIONAL EASEMENT
- 2- LANDSCAPING REMOVED ON NORTH SIDE
- 3- WAVE (RUNUP) IS NOT CURTAILED AND EQUIVALENT TO PROPOSED NORTH-SOUTH ALTERNATIVE
- 4- PUMP STATION RELOCATES TO SOUTH SIDE DEEP EXCAVATION ADJACENT TO EXISTING STRUCTURE
- 5- LIFEGUARDS TURN BACK TO OCEAN
- 6- DOES NOT PROVIDE LATERAL ACCESS

"SCHMIDT" CONCEPTUAL PLAN - PALM AVENUE

NO SCALE

ME

(BEACH)

CITY EASEMENT

PALM AVENUE
CITY EASEMENT

PALM AVENUE
STREET END PROJECT

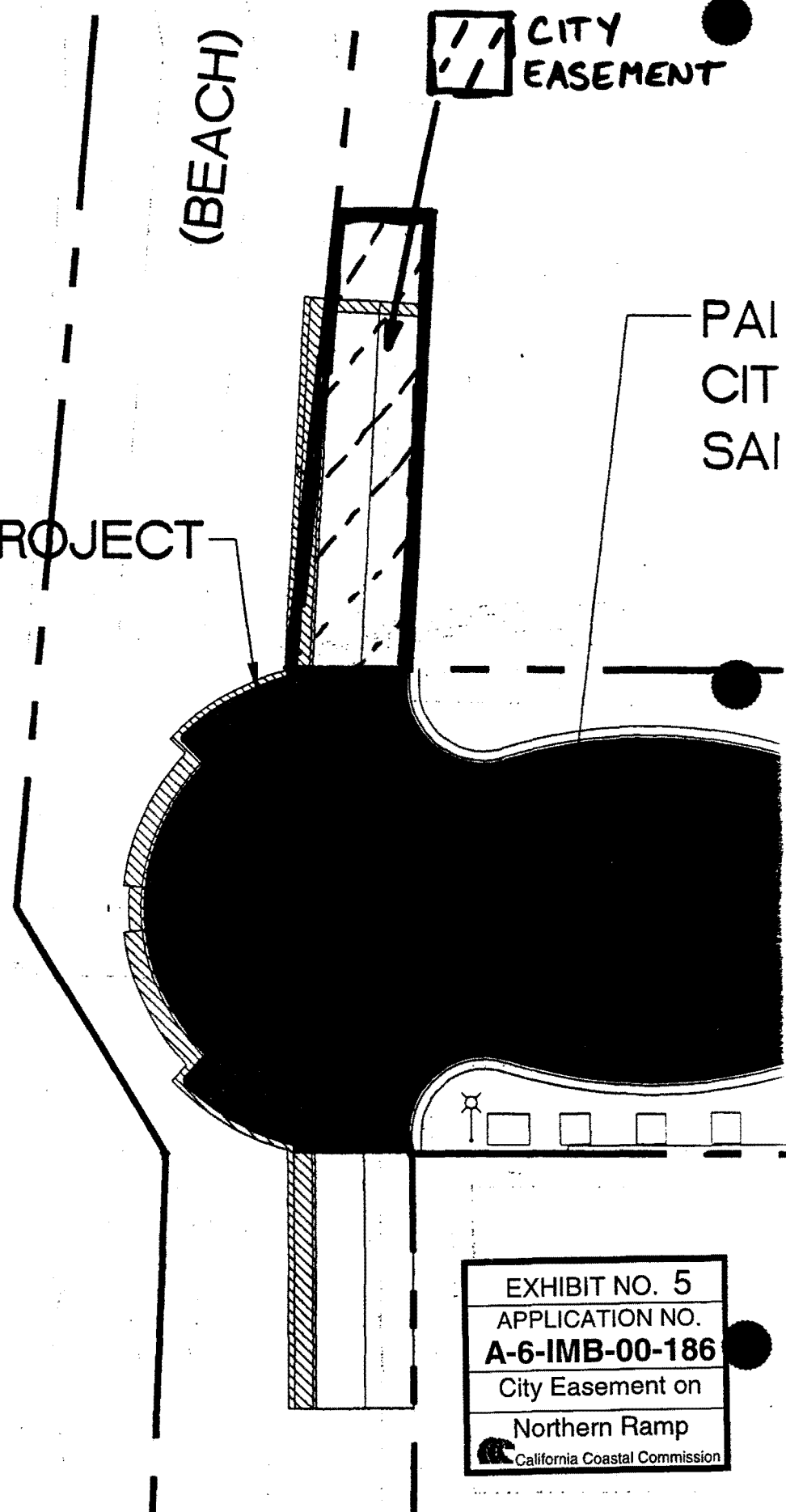



EXHIBIT NO. 5
APPLICATION NO.
A-6-IMB-00-186
City Easement on
Northern Ramp
 California Coastal Commission