

Tue 3a

San Diego Coast District

CONSENT CALENDAR

Tuesday June 12, 2001

6-01-055

RECORD PACKET COPY

CALIFORNIA COASTAL COMMISSION

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



Tue 3a

Filed: April 23, 2001
49th Day: June 11, 2001
180th Day: October 20, 2001
Staff: EL-SD
Staff Report: May 22, 2001
Hearing Date: June 12-15, 2001

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-01-055

Applicant: City of San Diego

Agent: Tina Huang

Description: Renovation of an existing boat dock and associated public recreational facilities in Mission Bay Park, including repair of an existing street light and pedestrian ramp; replacement of existing rails, hose cabinet and floating boat dock; and installation of a new pump out system.

Site: Northern terminus of Quivira Court (Hospitality Point), Mission Bay Park, San Diego, San Diego County.

Substantive File Documents: Certified Mission Bay Park Master Plan and City of San Diego Local Coastal Program

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The City of San Diego is proposing to renovate an existing boat dock in Mission Bay Park. The dock is located at the tip of Hospitality Point, and is used both by the City's lifeguard service and the general public. The proposal is for maintenance of the existing facilities and the installation of a boat pump out system. Maintenance will include repairs to an existing street light and pedestrian ramp, and replacement of existing rails, a fire hose cabinet and the floating boat dock itself. No changes to the size of the boat ramp are proposed and the existing concrete piles will remain to anchor the new decking. The proposed pump out system consists of a mechanical pump sited on the new dock, with 3" sewer line connecting the pump to the City's existing sewer lines. The sewer line will be secured to the underside of the pier, then undergrounded to connect with the existing municipal system in the adjacent public street and parking area.

Although much of the proposed repair and maintenance work would typically be exempt from permit requirements, in this case it requires a permit because the activities will necessitate the placement of mechanized equipment within 20 feet of coastal waters. Moreover, the proposed pump out system and associated piping represent new development which is not exempt. The City is proposing to conduct the required five days of work within the summer season, so that the pump out facility will be available to boaters during at least part of this summer. Since Mission Bay Park is an area of deferred certification, permit authority remains with the Commission and Chapter 3 of the Coastal Act is the legal standard of review.

2. Water Quality. The following Coastal Act policies addressing water quality are most applicable to the subject proposal, and state, in part:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored...Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters....

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum population of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment

Over the past many years, there have been on-going concerns about the water quality of Mission Bay. The Bay is the "end of the line" for surface runoff for much of the developed urban areas of San Diego, and thus receives vast quantities of stormwater (some of it polluted) through the City's existing storm drain system that includes numerous outfalls around the bay. In addition, three creeks (Rose, Cudahy and Tecolote) empty into the bay and are a frequent source of both debris and pollutants. However, the proposed development will not have any adverse impacts on the existing water quality of Mission Bay. The repair and replacement of the existing floating dock and associated public amenities will not increase the size of the facility nor modify its use, and thus will not result in additional water quality concerns.

In fact, the provision of a boat pump out facility should actually improve the water quality significantly. Although there are other existing facilities around the bay for pumping out sewage from boats, these are all located on private leaseholds and charge for this service. The proposed pump out facility will be operated by the City of San Diego and is proposed to be free for all users. Thus, this facility should encourage the appropriate discharge of wastes, which might otherwise be discharged illegally directly into the waters of Mission Bay or the ocean. The wastewater will be pumped by a vacuum system through hoses attached to the boat holding tanks. The effluent will then be directed into the City's existing sewage system and treated appropriately prior to discharge through an existing deep water ocean outfall, located several miles offshore of the Point Loma Sewer Treatment Plant.

The Commission therefore finds that the proposed development will have a positive impact on the quality of Mission Bay waters. This will improve Mission Bay's function as a productive biological resource area, and will also increase its appeal for human recreational activities. The Commission finds that approval of the development, as proposed, is fully consistent with the cited Coastal Act policies.

3. Public Access and Recreation. The following Coastal Act policies are most pertinent to the proposed development, and state, in part:

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

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

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

(2) adequate access exists nearby.

Section 30604(c)

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

Mission Bay Park is a public aquatic facility of statewide, and even national, significance. It was created prior to passage of the Coastal Act, and is built primarily on tidelands granted to the City of San Diego by the state. The specific project site is located between the first coastal roadway and the bay, with the pier and dock extending out into the bay itself. The dock is nearby the City's Mission Bay Park Headquarters, and a small police facility, and is not widely used by the public at this time. It is available for the public as a day use dock, and there are park facilities nearby (picnic tables, sand volleyball and fishing jetty) that could be easily accessed by persons tying up at this dock. However, it's use is mostly by the City's lifeguards and other personnel, although there is a second dock nearby for the exclusive use of these government entities.

The proposed addition of a free boat sewage pump out facility is anticipated to significantly increase public use of the dock. This will bring more people into a typically underused portion of Mission Bay Park and potentially introduce them to the existing public park amenities located on Hospitality Point. Thus, ongoing use of the proposed improvements will not have adverse impacts on public access.

As is often the case with projects in nearshore areas, it is the construction phase of the project which poses the greatest likelihood of impacts on public access. This is especially a concern when construction requires the closure of traffic lanes on coastal access routes, usurps public parking spaces in beach or park lots, or excludes the public from high-use areas. In these instances, the Commission typically applies a condition prohibiting all, or selected portions of, construction activity during the summer months (Memorial Day weekend to Labor Day) when public use is at its peak.

In this particular case, the Commission is not applying such a condition. The City has requested permission to work beyond Memorial Day so the pump out system will be

available for most of the summer of 2001. The City lifeguards support this position because of the potential improvements in water quality, and they maintain that public access impacts will be minimal due to the limited public use of the area and the short duration of construction. As proposed, the dock will only be unusable for five days; after that time the facility will be reopened to the public with the new pump out system in place. Also, this is an area of Mission Bay Park that receives minimal public use at this time. However, construction of the proposed project will not prevent public access to the existing public amenities, such as the picnic ramada and fishing jetty. An existing public parking lot closer to those amenities already provides access thereto. In addition, there is adequate space on the Mission Bay Park Headquarters site and within a wide grassy median to store the small amount of materials and equipment needed for this 5-day project, so no public parking spaces will be usurped for this purpose. Most importantly, the Commission finds that the potential improvements in water quality far outweigh any minor public inconvenience during the five-day construction period. The sooner the pump out system is available for public use, the sooner water quality will begin to improve. This will have a permanent, positive impact on public access throughout Mission Bay Park, especially for the enjoyment of water-contact activities. Therefore, the Commission finds that the proposed public improvements, as submitted, are consistent with the cited Coastal Act policies.

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

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

The site is located in Mission Bay Park, a highly scenic public recreational resource of national significance. The proposed development will replace existing facilities with new ones of the same size and function. The only new addition is the boat pump out system, which includes an approximately 3' wide, 4' long and 3' deep "box," to be placed on the new floating dock adjacent to the pedestrian ramp, and associated piping to connect the facility to the existing municipal sewer system. The piping will be attached to the underside of the pier and then undergrounded until it meets the existing sewer line, which is located southwest of the site underneath existing pavement. The Commission finds the visible portion of the pump out system will have no significant visual impact on the scenic qualities of Mission Bay Park, and is thus fully consistent with Section 30251 of the Coastal Act.

5. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local

Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

Mission Bay Park is an existing aquatic playground. It is primarily unzoned, and the subject site is designated as Parkland in the certified Mission Bay Park Master Plan. The proposal is consistent with that designation and requires no local discretionary permits. The proposed development represents non-exempt repair and maintenance activities and one minor addition to address water quality concerns. It has also been found consistent with all applicable Coastal Act provisions. Therefore, the Commission finds that approval of the permit will not prejudice the ability of the City of San Diego to complete and implement a certifiable LCP for this area.

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

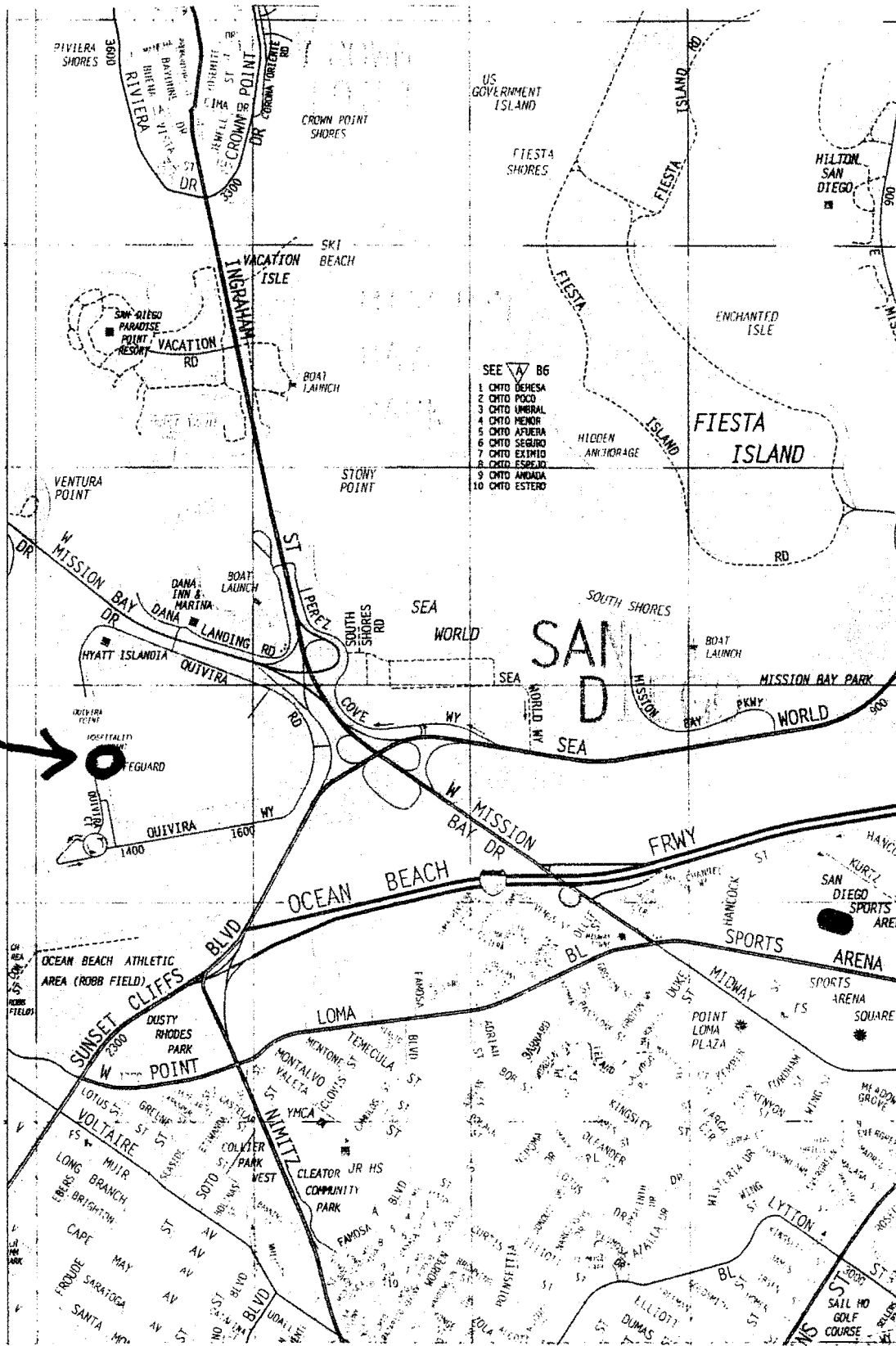
As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the water quality, public access and visual resource policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

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

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

6-01-55

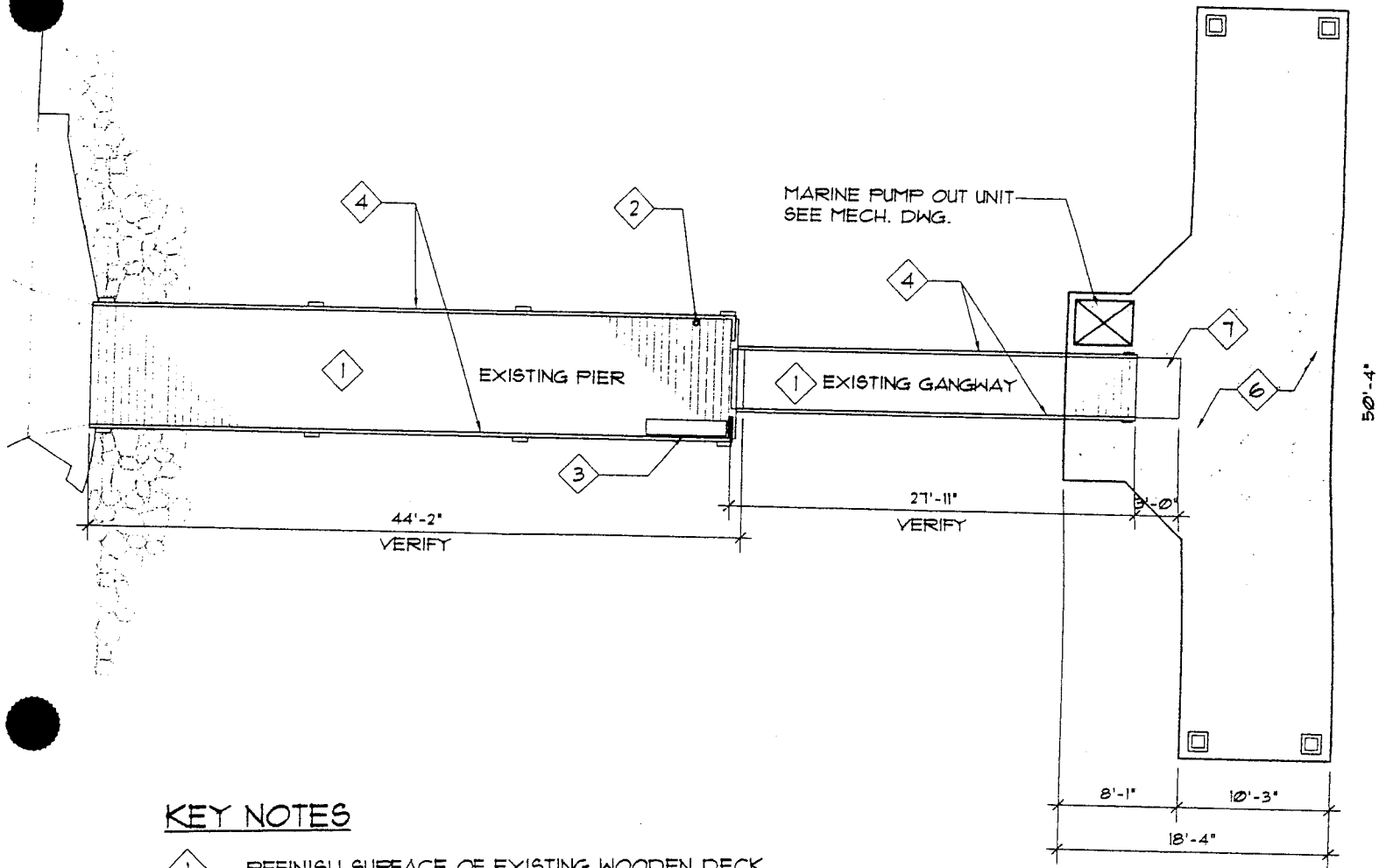


Site →

EXHIBIT NO. 1
 APPLICATION NO.
 6-01-55
 Location Map


California Coastal Commission

6-01-55



KEY NOTES

- 1 REFINISH SURFACE OF EXISTING WOODEN DECK.
- 2 EXISTING LIGHT POLE TO REMAIN. SEE ELEC. DWG.
- 3 NEW FIRE HOSE CABINET.
- 4 INSTALL NEW ALUMINUM RAILINGS.
- 5 NEW CONCRETE DOCK.
- 6 NEW MARINE PUMP OUT UNIT. SEE MECH. DWG.
- 7 REFINISH SURFACE OF EXISTING RAMP.

EXHIBIT NO. 2
APPLICATION NO.
6-01-55
Site Plan
 California Coastal Commission

