

## CALIFORNIA COASTAL COMMISSION

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**Fr 4b**

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Hearing Date: 11/5-8/02

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of San Diego

RECORD PACKET COPY

DECISION: Approval with Conditions

APPEAL NO.: A-6-LJS-02-58

APPLICANT: City of San Diego

PROJECT DESCRIPTION: Abandonment of existing sewer pump station, removal of an adjacent wastewater settling tank and construction of a new 1,200 sq.ft. pump station; construction and replacement of a portion of existing force main; installation of new parallel force main; construction of sewer influent line; removal and replacement of existing storm drainage line; replacement of existing coastal access stairway; expansion of the observation point and viewing area and reconfiguration and augmentation of existing rip rap revetment.

PROJECT LOCATION: Western terminus of Bird Rock Avenue (public right-of-way), La Jolla, San Diego, San Diego County.

APPELLANTS: Commissioners Patrick Kruer and Patricia McCoy

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that substantial issue exists with respect to the grounds on which the appeal has been filed. Staff also recommends that the Commission approve at the de novo hearing the application for the abandonment/rehabilitation of an existing sewer pump station and the construction of a new sewer pump station and improvements to an existing vertical public access stairway with several special conditions. The primary issues raised by the proposed development relate to public access and bluff face development. While the project will replace an existing public access stairway, Commission staff is concerned that existing and proposed rip rap at the base of the stairs will impair public access. The proposed work to the public access stairway requires that the City remove portions of the existing rip rap and then replace it in approximately the same location. However, through reinstallation of the rip rap, there is an opportunity for it to be placed in a manner to better

Geologist to Water and Wastewater Facilities Divisions Engineer; Alternatives Analysis dated 7/23/02.

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I. Appellants Contend That: The appellants contend that the development, as approved by the City, may be inconsistent with the certified LCP as well as with the public access and recreation policies of the Coastal Act. Specifically, the appellants contend that the development is inconsistent with the shoreline hazards policies of the certified LCP pertaining to blufftop development standards, alteration of landforms and previously conforming uses. The appellants also contend the development is inconsistent with the public access policies of the certified LCP and the Coastal Act as it relates to the existing rip rap at the foot of the proposed reconfigured stairway (ref. attached appeal - Exhibit #3). In addition, the City did not adequately address the consistency of a newly proposed storm drain with the policies of the certified LUP that require that drainage facilities be equipped with energy dissipating devices to minimize erosion.

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II. Local Government Action.

The coastal development permit was approved by the Hearing Officer on 3/13/02. The conditions of approval address, in part, the following: building height; outdoor lighting; conformity with geotechnical study including geotechnical engineer on site during construction; construction of ocean-facing retaining wall such that it is visually compatible with surrounding coastal bluffs; landscaping.

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III. Appeal Procedures.

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. The grounds for appeal are limited to the assertion that "development does not conform to the certified local coastal program." Where the project is located between the first public road and the sea or within 300 ft. of the mean high tide line, the grounds of appeal are limited to those contained in Section 30603(b) of the Coastal Act. Those grounds are that the development does not conform to the standards set forth in the certified local coastal program or the access policies set forth in the Coastal Act.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless it determines that no substantial issue is raised by the appeal. 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

The Commission finds and declares as follows:

1. Project Description/Permit History. Proposed is the abandonment of an existing pump station, removal of an adjacent wastewater settling tank and the construction of a new 1,200 sq. ft. subterranean pump station in the location of an existing 1920's era wastewater settling tank. The existing sewer pump station is located at the streetend of Bird Rock Avenue on the face of a coastal bluff. The City intends to abandon this pump station in place. Minor modifications to the pump station are proposed but it is not clear from the City's file how much renovation or changes are proposed to the existing pump station. However, the City also proposes to grade the bluff face north of the existing pump station to accommodate a ventilation system for the new pump station. Also proposed is the construction and replacement of a portion of an existing force main, construction of a new parallel force main and removal and replacement of an existing storm drain. Presently there is a public access stairway that is connected to the pump station which descends in elevation down to the beach from the street-end to provide public access to the beach. The existing stairway has several flights of stairs and landings before it reaches the beach (ref. Exhibit No. 4). The proposal also includes the removal and replacement of this existing coastal access stairway with a stairway that has fewer landings and only two flights of steps. In addition, portions of an existing rip rap revetment at the toe of the existing public access stairway is proposed to be reconfigured and augmented, as can be seen from the site plan (ref. Exhibit No. 2). In connection with the replacement of the stairs the City also proposes to expand an observation point and viewing area at the street-end immediately above the pump station.

As noted above, the settling tank in the street was built in the 1920's. The existing pump station was constructed in 1950 as part of a public stairway to the beach. The settling tank was taken out of service when the new trunk sewer line was installed on La Jolla Boulevard. The pump station receives wastewater flow from the approximate area bounded by Folsom Drive to the north, Beaumont Avenue to the east and Midway Street to the south. The station does not meet current standards and codes and the existing mechanical and electrical equipment are near the end of their useful life. In order to meet current standards, the existing station is proposed to be abandoned and replaced. The new pump station will be about 40 ft. long by 30 ft. wide by 20 ft. deep and located adjacent to and east (and away from the bluff edge) of the existing pump station. Also proposed is a back-up emergency power generator and a larger wet well providing for more emergency storage. A new ventilation system is also proposed in order to meet the requirements of the National Fire Protection Association.

The project site consists of the public right-of-way and face of the coastal bluff and beach at the western terminus of Bird Rock Avenue (near Dolphin Avenue) in the La Jolla community of the City of San Diego. At the foot of the existing stairway there is existing rip rap on the beach. An existing concrete block seawall exists on the bluff face to the north of the pump station/stairway and a gunite coating exists on the bluff face to the south of the pump station/stairway.

40-foot setback shall be approved only if the geology report concludes the *structure* will not be subject to significant geologic instability, and not require construction of shoreline protection measures throughout the economic life span of the *structure*. In addition, the applicants shall accept a deed restriction to waive all rights to protective devices associated with the subject property. The geology report shall contain:

- (A) An analysis of bluff retreat and coastal stability for the project site, according to accepted professional standards;
- (B) An analysis of the potential effects on bluff stability of rising sea levels, using latest scientific information;
- (C) An analysis of the potential effects of past and projected El Nino events on bluff stability;
- (D) An analysis of whether this section of coastline is under a process of retreat.

The existing sewer pump station is presently situated on the face of a coastal bluff and does not observe a setback from the coastal bluff edge and, as such, it is considered a previously-conforming structure. However, the City failed to address whether or not the pump station would need to meet the current geologic blufftop setback requirements.

In addition, the City failed to include an analysis of alternatives for the pump station in the context of the overall upgrade to the City's sewer system in order to determine if the proposed development is the least-environmentally damaging alternative. More specifically, this type of analysis should address the necessity of locating such a pump station at this site or whether alternative sites would be more appropriate including the abandonment and removal of existing obsolete pump stations and the consolidation of one or more pump stations into a single pump station. As noted previously, the City intends to grade portions of the bluff face north of the existing sewer pump station and structurally modify portions of the existing pump station to connect a ventilation system to the new sewer pump station. However, the City did not address alternative locations for the siting of the pump station further inland away from the coastal bluff than it is presently proposed. Also, the City's analysis did not include information regarding the removal of the existing settling tank and how this affects the geologic stability of the bluff. Alternatives to shoreline protection for the pump station and access stairway were also not addressed. The appellants have, therefore, raised a substantial issue with regard to conformity of the blufftop development with setback and other blufftop development standards of the LCP.

As stated, the proposed project includes grading and alteration of the bluff face to accommodate the new pump station, however the coastal development permit did not include findings which specifically addressed the proposed grading and its consistency with ESL regulations for Sensitive Coastal Bluffs which are part of the Land

“Construction, grading, or improvements of any sort, except those mentioned in this plan, should be discouraged at beach areas. Public access to the shoreline should be increased (or improved) wherever possible.” [emphasis added]

“Vertical Access

...In all new development between the nearest coastal roadway and the shoreline the City will make a determination of the need to provide additional vertical access easements based upon the following criteria:

[...]

e) public safety hazards and feasibility of reducing such hazards. [...]

In addition, the following sections of the Coastal Act is applicable and states:

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:

[...]

(2) Adequate access exists nearby, or, ....

As noted previously, the subject site is at the terminus of Bird Rock Avenue in the La Jolla community of the City of San Diego. A public access stairway leads down the face of the bluff from the streetend seaward of the existing pump station to the beach below. There is existing rip rap at the base of the coastal bluff and at the toe of the stairs. Currently, people must climb over the existing rip rap to get to the beach area. The beach below the subject site (and to the south) is a small rock/cobble beach bounded by steep bluffs that is only accessible at low tides. The streetend is a dedicated accessway. The next nearest public access point to the south is at Tourmaline Surfing Park, approximately 1 ½ miles away. The nearest accessway to the north is at Camino de la Costa (north of Costa Place) approximately ¼ miles away. The proposed project also includes expansion of an observation point by approximately 128 sq.ft. and to expand it toward the east toward the east along Bird Rock Avenue to comply with applicable provisions of the Americans with Disabilities Act (ADA). Approximately 72 sq.ft. of additional viewing

when the public uses the stairway, based on the submitted plans, it appears that they will still have to climb over an even greater area of rip rap boulders in order to get to the beach. The placement of this new rip rap at the toe of the reconfigured public access stairway is a significant impediment to public access along the beach, especially given that the certified LCP specifically identifies this area as being ideal for tidepooling. One will have to climb over the rip rap at the foot of the public access stairway in order to reach the water's edge or to tidepool. Although the plans suggest that new rock will be placed and that modification of the rock will be required to construct the proposed improvements, the City failed to address this issue in its review, or to make findings as to the type or extent of such modifications or the ability to remove or reconfigure the proposed new rock to facilitate public access to the beach seaward of the stair. The City also failed to address a new stairway design that could eliminate or significantly reduce the need for the new rip rap at the base such that public access will be enhanced. For example, the City did not analyze whether or not a seawall could have been incorporated into the design of the stairway instead which would greatly reduce the encroachment of shoreline protection on the beach and eliminate or significantly reduce the amount of new rip rap at the toe of the stairway. This failure to address the ability to improve public access in this location appears to be inconsistent with the policies of the certified La Jolla-La Jolla Shores LCP. Therefore, the Commission finds the proposed development raises a substantial issue with regard to the conformity of the development with the public access policies of the Coastal Act and the certified LCP.

4. Drainage. In addition, regarding the storm drain, the replacement of the storm drain that discharges toward the beach appears to be inconsistent with an LUP policy directing drainage away from the bluff edge or into special drainage facilities that have been equipped with energy dissipating devices to minimize erosion, and with the policy in the ESL regulations for sensitive coastal bluffs Section 143.0143(d) which states the following:

(d) All drainage from the improvements on the premises shall be directed away from any coastal bluff and either into an existing or newly improved public storm drain system or onto a street developed with a gutter system or a public right-of-way designated to carry surface drainage run-off. All drainage from any unimproved areas shall be appropriately collected and discharged in order to reduce, control, or mitigate erosion of the coastal bluff.

In addition, as cited earlier in this report, Section 143.0143(h) of the City's LDC also addresses drainage facilities and states the following:

Essential public facilities including drainage facilities, stairways, ramps, and other physical beach access facilities may be permitted on a coastal bluff face only if identified in an approved land use plan or if located in areas historically used by the public. These facilities shall be designed to minimize impacts to the bluff face and beach area.

## II. Standard Conditions.

See attached page.

## III. Special Conditions.

The permit is subject to the following conditions:

1. Revised Plans for Installation of Rip Rap. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final plans for the installation of the rip rap at the base of the proposed reconfigured stairs. Said plans shall be in substantial conformance with the plans submitted by Tetra Tech, Inc. date stamped 4/11/02, but shall be revised as follows:

- a. The rip rap at the toe of the stairway shall be configured such that a flatter surface is created on top of the rip rap to facilitate public access to the ocean.
- b. The existing rip rap in front of the stairway shall be pulled in as close to the stairway as possible such that encroachment onto the beach is minimized to the maximum extent feasible. Any loose or dislodged stones shall be retrieved and placed on the revetment.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Maintenance of Rip Rap. The permittees shall maintain the reconfigured rip rap in its approved state. Specifically, the applicant shall assure that the rip rap does not migrate or encroach further seaward and that public access is maintained along the flat bench.

3. Storage and Staging Areas/Access Corridors. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans indicating the location of access corridors to the construction site and staging areas. The final plans shall indicate that:

- a) No overnight storage of equipment or materials shall occur on sandy beach or public parking spaces.
- b) Access corridors shall be located in a manner that has the least impact on public access.

maximum extent feasible the adverse impacts associated with construction to receiving waters. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (1) No construction materials, equipment, debris, oil, liquid chemicals, or waste shall be placed or stored where it may be subject to stormwater, or where it may contribute to or come into contact with nuisance flow;
- (2) Any and all debris resulting from construction activities shall be removed from the site within 1 day of completion of construction;
- (3) No machinery or construction materials not essential for project improvements shall be allowed at any time in any intertidal zone;
- (4) Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material;
- (5) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway,
- (6) All debris and trash shall be deposited of in the proper trash and recycling receptacles at the end of each construction day;
- (7) The discharge of any hazardous materials into any receiving waters shall be prohibited.

The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. Disposal of Graded Spoils. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

7. Assumption of Risk, Waiver of Liability and Indemnity Agreement

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding and wave uprush; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.



The project site consists of the public right-of-way and face of the coastal bluff and beach at the western terminus of Bird Rock Avenue (near Dolphin Avenue) in the La Jolla community of the City of San Diego. At the foot of the existing stairway there is existing rip rap on the beach. An existing concrete block seawall exists on the bluff face to the north of the pump station/stairway and a gunite coating exists on the bluff face to the south of the pump station/stairway.

[For a more detailed project description, please refer to the findings for Substantial Issue of this staff report.]

The project is located entirely within the permitting jurisdiction of the City of San Diego between the first public road and the sea. The certified LCP and the public access and recreation policies of Chapter 3 of the Coastal Act are the standard of review.

2. Shoreline Hazards/Alteration of Landforms. As noted in the findings for Substantial Issue, the proposed development involves the replacement of an existing sewer pump station that is presently non-conforming in that it is situated directly on the face of a coastal bluff without any setbacks from the bluff edge. Although the certified LCP specifically prohibits this type of development on the face of the coastal bluff, the pump station was built in the 1950's at a time when there were no required blufftop setbacks. A new sewer pump station will be constructed away from the bluff edge further inland underground below the right-of-way of Bird Rock Avenue in the approximate location of the existing settling tank which is proposed to be removed. It will extend in a westerly direction up to the eastern wall of the existing sewer pump station which is proposed to be abandoned in place. The City proposes to also reconfigure the existing stairway that traverses the sewer pump station.

The issues pertaining to shoreline hazards associated with the subject project include landform alteration as a result of the proposed grading on the coastal bluff, geologic stability in terms of the newly proposed sewer pump station and the reconstruction of the public access stairway and the necessity of shoreline protection. Presently, the beach at this location is heavily armored with rip rap and the City proposes to remove portions of the rip rap and then replace it at the toe of the newly re-configured public access stairway. Concerns related to the rip rap include its encroachment on the beach and its impacts on public access.

Pursuant to the City's certified LCP, all proposed development on a coastal bluff must observe a required setback of 40 feet from the bluff edge unless a site-specific geology report is completed which makes findings that a lesser setback can be permitted. Specifically, Section 143.0143 addressing Development Regulations for Sensitive Coastal Bluffs states the following:

- (g) All *development* including buildings, *accessory structures*, and any addition to existing *structures* shall be set back at least 40 feet from the *coastal bluff edge*, except as follows:

In addition, Section 143.0130 (h) (5) addressing uses allowed within environmentally sensitive lands for coastal beaches states:

Shoreline protective works when necessary to prevent public and beach erosion and to protect coastal dependent uses, public beach roadways, or existing primary structure in danger from wave action and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply;

In addition, Section 143.0144 (h) of the City's LDC addressing development regulations for coastal beaches also states:

(h) Any approved shoreline protective device shall be designed and implemented in accordance with generally accepted engineering standards and specifications and shall also incorporate existing and adjacent landform characteristics including color coating, texturing, landscape, and topographical features.

As noted earlier, removal of the existing sewer pump station would result in damage to the integrity of the coastal bluff. Certain walls and footings of the existing pump station will be left in place since these walls and their underlying foundations act as a retaining wall for the bluffs. The City has submitted written information that removal of these walls and their underlying foundations is not recommended and should be minimized. As such, the City proposes to retain the existing structure on the bluff face and modify it such that it incorporates a new ventilation system for the new sewer pump station, an observation point on top for viewing the ocean and improved access stairway to the beach. Pipes will also be installed such that the intake/out-take for the newer pump station to be sited further inland, will be connected to the existing pump station.

The Commission recently reviewed another coastal development permit for the construction of a new sewer pump station in the North City area of San Diego (CDP #6-01-107). In that permit, the City advised Commission staff that they would be upgrading many sewer pump stations citywide over the next few years. Given that so many of these sewer pump stations are located in sensitive areas (on the beach or on coastal bluffs), Commission staff met with the City to discuss the City's long term goals and to encourage the City to consolidate or reduce the number of sewer pump stations, whenever possible, to reduce the impacts to coastal resources Citywide. For this reason, Commission staff asked the City to analyze alternatives that would minimize the impacts to coastal resources associated with the subject project. In response, the City performed an in-depth alternative analysis, as discussed below.

A. Alternative Analysis. The City conducted an analysis of alternatives for the proposed project. As the City has noted, in the case of Sewer Pump Station #19 (Bird Rock) the City is abandoning an existing facility and making slight modifications to it for purposes of exhaust pipes that will connect to a new pump station proposed immediately adjacent to, and east of it. The City has determined that there is a need for the facility at its present location and it cannot be consolidated or eliminated due to its

Another reason for not relocating the station further east would be the conflict with existing utilities. There are numerous overhead electric and telephone pole lines as well as with various underground utilities including sewer, water, and natural gas. All these utilities would require relocation, but this is not feasible because of utility separation standards.

The proposed construction is within the construction notch limits of the existing pump station and settling tank. The notch limits are defined as the area previously excavated beyond the current limits of the existing pump station and settling tank to accommodate construction. If relocation further east were possible, it would require excavation in the native bluff material. Even so, the City proposes to abandon the existing structure in its place and the relocation of the new sewer pump station further inland would not result in the removal of the existing sewer pump station nor the need to provide ventilation in the face of the bluff.

*Abandon Existing Pump Station* - Due to the topography of the area, the area bordered by Folsom Drive to the north, Beaumont Avenue to the east and Midway Street to the south must gravity flow to Sewer Pump Station #19. Sewer pump stations are much more difficult for the City to maintain and operate compared to a conventional gravity main system. Pump stations also have greater environmental consequences from failure of the system. Therefore, the preferred method of upgrading the City's sewer system is by eliminating pump stations. In this area, however, the topography does not allow for such a design. For example, La Jolla Hermosa Boulevard is at approximately 94 feet above mean sea level (MSL). The properties along Dolphin Place are at approximately 35 feet MSL. The difference in elevation is approximately 60 feet over a linear distance of 1000 ft., a grade of approximately 6%. According to the City, in order to construct a sewer main from Dolphin Place to reach the trunk sewer along La Jolla Hermosa Boulevard, the sewer main and trunk sewer would have to exceed depths of 70 feet. At this depth, the sewer main would not be maintainable, and PVC pipe material cannot withstand the external forces of 70 feet of earth, rock, and traffic above it. Therefore, abandoning the existing pump station and replacing with a gravity sewer system is not feasible.

*Blufftop Setback/Previously Conforming Structure* - The existing sewer pump station is presently situated on the face of a coastal bluff and does not observe a setback from the coastal bluff edge and, as such, it is considered a previously-conforming structure. In the appeal of this project, it did not appear that the City had addressed improvements to/renovation of this previously-conforming structure or the continuation of a previously-conforming structure and/or use. In response, the City has indicated that as with many essential public facilities (i.e, water towers, Point Loma Sewage Treatment Plant, pump stations) the underlying zone does not identify the pump station as a permitted use. The City further notes that projects are only exempt from zoning regulation where the project serves a municipal function (i.e, sewer, water, etc). In this case, the City is repairing an existing facility, and upgrading it to meet current standards and requirements. Thus there is a need for an expansion of the facility at this location.

engine exhaust vent cannot be re-routed through or extend into other spaces within the pump station. In addition, the minimal grading proposed (approximately 30 cubic yards) is necessary to accommodate a system that meets the codes mentioned above.

The City has further stated that if the engine exhaust vent were to be designed to vent above the pump station, as opposed to on the bluff face, then the vent would have to go out of the building and up through the proposed observation deck area. If the vents were designed to come up through the observation deck it would require a surface area of about 5 ½' x 5 ½' which would greatly reduce the amount of deck area proposed for a public observation point to the ocean. Therefore this section of the observation deck area would either have to be eliminated or the ductwork would have to come up out of the ground at a higher elevation in order to avoid directly exhausting onto observers. If this section of the observation deck were to be eliminated then the ductwork would protrude approximately four feet above the observation deck level and be 5 ½' wide and it would need to be surrounded by fencing material to protect the public from any exhaust. This would result in a blockage of public views along the designated public view corridor of Bird Rock Avenue looking west and was therefore considered infeasible. The placement of the exhaust vent in its currently designed location is to adhere to sections of the municipal code which state, "to preserve, enhance or restore the designated public view" and to "ensure that critical public views to the ocean and shoreline are maintained or enhanced." In summary, the City looked at various alternatives for locating the ventilation system and all alternatives would have impacted the observation deck or resulted in public view impacts.

As further stated by the City, the grading on the bluff is also required to remove the old corroded storm drain system. This area was part of the excavated area for the construction of the original station and is not a natural bluff face. The City addresses the drainage issues in its alternative analysis which is discussed in detail in the subsequent finding for *Drainage* in this staff report. The new wall will provide more stability to this previously disturbed material, and provides support for the new storm drain system and the new observation deck, as well as providing a suitable location for the engine exhaust vent.

Another concern raised by the proposed development pertains to the removal of the existing settling tank and its effect on the geologic stability of the coastal bluff. As stated by the City, the existing pump station was constructed within an excavated notch into the coastal bluff. The City's geotechnical sub-consultant estimates that the existing pump station is founded primarily on the Point Loma Foundation, which typically has excellent bearing strength. The new pump station will be constructed within this existing excavated notch area, and therefore, removal of the existing settling tank and construction of the new pump station should not affect the stability of the bluff. In addition, the project will remove old deteriorated concrete and exposed corroded reinforcement steel from the old pump station, and replace it with new steel reinforced concrete, which meets current construction standards. The coastal bluff and the pump station stability are assured by maintaining the presence of the existing rock revetment. In summary, the City has adequately demonstrated the proposed development will not adversely affect the

to assure the proposed development is the least environmentally damaging alternative. Furthermore, the City has demonstrated that the proposed grading on the bluff face is minimal (X cy.) for purposes of accommodating the proposed ventilation ducts and will not result in a significant alternation of the natural landform. The City has also adequately determined that the proposed development will not adversely affect the geologic integrity of the coastal bluffs. Both the City's and Commission's coastal engineers have determined that the existing rip rap at the toe of the existing pump station and stairway is necessary to protect the proposed development. However, through the reconfiguration of the rip rap at the toe of the proposed new stairway to improve public access (discussed in subsequent finding), the rip rap will be pulled in as closely as possible to the stairway and bluff to reduce its encroachment onto the beach. In summary, the Commission finds that the proposed development is consistent with the above-cited geologic hazard policies of the City's certified LCP.

3. Public Access. The proposed development raises concerns with regard to consistency with the public access policies of the Coastal Act and the certified LCP. The following sections of the Coastal Act are applicable and state:

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:

[...]

(2) Adequate access exists nearby, or, ....

Upon reliance of these policies of the Coastal Act, the certified La Jolla-La Jolla Shores LCP contains policies to protect public access as well which are included in the findings for Substantial Issue of this staff report (reference pp. 1-13).

The City is proposing to improve an existing vertical access stairway that traverses the existing sewer pump station on the coastal bluff and to create a larger public viewing platform on top of the existing sewer pump station which will be abandoned in place. The viewing deck will be expanded three feet west of the existing viewing deck. As noted in the findings for Substantial Issue earlier in this report, the shoreline is heavily revetted in this area. The rip rap revetment that is at the base of the coastal bluffs was installed by the Army Corps of Engineers back in the 1960's-pre-dating the Coastal Act. There is no sandy shoreline seaward of the rip rap. Beyond the rip rap, there are tidepools which are popular with the local community and which are often frequented by school children on field trips, etc. Surfers and other beachgoers also commonly use the

With regard to the replacement of the existing rip rap near the toe of the coastal access stairway, the Commission's coastal engineer has stated that the new additional rip-rap can be placed in a way to provide a less jagged walking surface, similar to the construction of rock walls. This requires the contractor to place the additional rip-rap by selecting shapes of rip-rap and placing them individually to create a level landing up to the existing rip-rap revetment. The new rip-rap could be grouted to prevent any future movement due to strong tidal conditions.

In summary, given that a small portion of the rip rap must be removed and replaced at the base of the stairs, there is the opportunity to improve and/or maintain public access for surfers and other members of the public who gain access to the ocean at this location. For this reason, the Commission is requiring through Special Condition #1 that the applicant submit revised plans requiring that the rip rap be configured in a manner such that it maintains a flat bench on top to facilitate public access and that it be pulled in as tight as possible to reduce encroachment onto the beach. The condition further requires that any loose or dislodged stones be picked up and placed back on the revetment. Special Condition #2 requires the applicant to maintain the rip rap such that it doesn't migrate or encroach onto the beach and that public access is maintained.

On a related point, with regard to construction access and timing, the City has indicated that construction is proposed to commence in April, 2003 and is expected to last for approximately 270 working days. Working days include weekdays only so the expected duration of construction is approximately one year. During this time period the City must close off public access altogether to the public stairway as well as the streetend of Bird Rock Avenue. When asked whether or not the City might be able to phase the construction such that the public access stairway could remain open during the summer months or so that people could still use the stairway to gain access to the beach while the City continues to work on the pump station portion of the project, the City explained that due to liability concerns, it would be very difficult to make a path to the stairway for the public to continue to use this area. The City must work on the existing sewer pump station and build a new one below the street elevation as well as replace the existing stairway. As such, the scope of the project is so large and involved that it raises significant safety issues which make it difficult to allow the public to use this area during this time. In addition, the community is very concerned about the project being completed as quickly as possible to reduce the impacts to both residents and beachgoers. For this reason, the community did not want the City to wait until after the summer season to begin work.

The peak beach use season runs through the summer from May to the beginning of September (typically from the start of Memorial Day weekend to Labor Day). Typically, the Commission does not permit construction to occur on and around beach areas during this time period due to its adverse impacts on public access. However, in this particular case, because the City must demolish and re-build the existing public access stairway, it is necessary for the stairway to be closed during construction. As such, during the construction phase of the project there would be a temporary impact to public access through the closure of the public access stairway until it is completed. Although the

4. Visual Resources. The certified La Jolla-La Jolla Shores LCP Addendum contains the following policies:

"La Jolla's relationship to the sea should be maintained. Existing physical and visual access to the shoreline and ocean should be protected and improved."

"La Jolla's physical assets should be protected in future development and redevelopment; particularly with respect to the shoreline, significant canyons, steep slopes. Ocean views should be maintained and open space retained whenever possible."

Bird Rock Avenue is a designated public view corridor in the certified La Jolla-La Shores LCP. However, in this particular case, since the existing sewer pump station will be abandoned in place and the new sewer pump station will be located below ground, the proposed development will not have any adverse impacts on public views looking west down Bird Rock Avenue.

As noted in the public access finding, the City also intends to improve the public view point atop the existing sewer pump station which will be abandoned in place. They will add railings around the edge of the platform which will provide for a safer public scenic outlook towards the ocean and will enlarge the viewing platform area. The City has also indicated that a previous design of the view deck and staircase alignment was presented to the local community residents and planning groups. This design extended further west and had a larger view deck but the community groups rejected this alternative because they felt it would attract unwanted loitering and traffic due its size. Local residents also opposed this design because they felt that the extended view deck would allow the public to view the inside of their homes through the westerly facing windows. As such, the City redesigned the view deck which is much smaller than the original design but which is still larger than the existing view deck. The larger view deck will enhance the public viewing opportunities for the public at this location.

As further noted by the City in its alternatives analysis, the City also designed the proposed project to avoid any further impacts on public views. In particular, they designed the engine exhaust for the new sewer pump station so that it would not protrude above ground which would have required screening and fencing materials. This would have significantly impeded existing public views along this public view corridor.

In addition, the existing western façade of the sewer pump station and public access stairway is a concrete mass painted a bright blue as viewed from the west on the coastal bluff. The City intends to improve its visual appearance by resurfacing the structure with materials to visually enhance the structure. The materials will match the surrounding coastal bluffs and will be an earth (tan) tone. Although some of the residentially developed properties in the area have grey-colored gunite on the coastal bluffs, over time as these older erosion-controlling bluff measures deteriorate, the natural bluff behind it will become exposed. As such, the proposed texturing and coloring of the western façade

drain to accommodate construction of the new pump station and to replace it in the same general location.

To minimize erosion, rip-rap will be placed at the discharge point mid-bluff. If the storm drain were to be located at a point lower than proposed, the discharge point would be subject to storm waves and high tides that would prevent the proper discharge of storm water. If the storm water were not allowed to discharge properly, the storm water would accumulate in the drainage system upstream of the discharge point. This would lead to possible flooding on Bird Rock Avenue and the adjacent street. If flooding were to be severe, the storm water could possibly overflow causing an uncontrolled discharge over the sides of the bluff. In addition, locating the discharge point lower would increase the amount of excavation and disturbance to the bluff. To dissipate the energy and minimize erosion to the bluff, rip-rap will be installed up to the storm drain outlet. The proposed design improves an already existing public storm drain discharge point by replacing the corroded corrugated metal pipe with reinforced concrete pipe which is more adapt at enduring the marine environment. The current discharge point discharges directly onto the bluff and contributes to the erosion of the bluff. The new discharge point will protrude approximately six inches and discharge away from the bluff, reducing the amount of erosion due to storm water discharges.

In addition, any runoff collected by the view deck is directed away from the bluff. Storm water runoff on the stairs is directed down the stairs, as each landing is sloped toward the bottom of the stairway. The view deck is designed to have a curb along the west edge of the view deck. The curb will prevent any storm water from discharging on the bluff.

With regard to a low flow diversion system, the City has replied that in 1996, the City's Storm Water Pollution Prevention Division completed a study titled "Inventory and Inspection of Coastal Storm Drains", where 63 drains were inspected. Coastal low flow diversions were proposed and subsequently designed at drain locations where there was a "high probability of contact" with beach users. Phase 1 sites (which are already constructed) were those locations where high bacteria counts had been found in routine sampling. Subsequent phasing and priority for the design and construction of low flow diversion structures are based on bacteria counts and contamination levels. The City's Transportation and Drainage Design Division manages the design and construction of the City's low-flow diversion systems and has established a priority list for these systems.

From August 1997 to June 2000, the water quality in the area of discharge point was studied weekly by the City of San Diego in accordance with standard practices. During the time of sampling, the City was required to observe the standards set forth by California State Beach Safety Bill AB411. Over this two-year sampling period, it was discovered that no samples were recorded to have a total coliform count that exceeded acceptable levels pursuant to required standards. As was studied during the design phase and based on these results (very low bacterial counts), constructing a low-flow diversion system at this pump station was not deemed justified. The study further revealed that this suburban residential location was placed very low on the project priority list based on the water quality data previously presented as compared to other locations that serve a



standards. It is important to note that the City has recently had sewer spill problems. Specifically, according to information obtained from the Regional Water Quality Control Board, between February 19-28, 2001 the City discharged 1,500,000 gallons of sewage upstream of the Point Loma Wastewater Treatment Plant to Tecolote Creek, a tributary to Mission Bay. The spill caused pollution and nuisance conditions in Tecolote Creek and Mission Bay. The sewage spill occurred as a result of the City's failure to provide proper preventive maintenance to its sewage collection system. The City was fined as result of that spill. As noted previously, the new sewer pump station is designed to incorporate safety features to prevent such sewage spills (i.e., larger wet well and back up generator). Without the proposed new pump station, there is a risk of a sewage spill which could potentially affect the water quality of the ocean (the sewer pump station is adjacent to the Pacific Ocean). The new sewer pump station will reduce the potential for sewage spills.

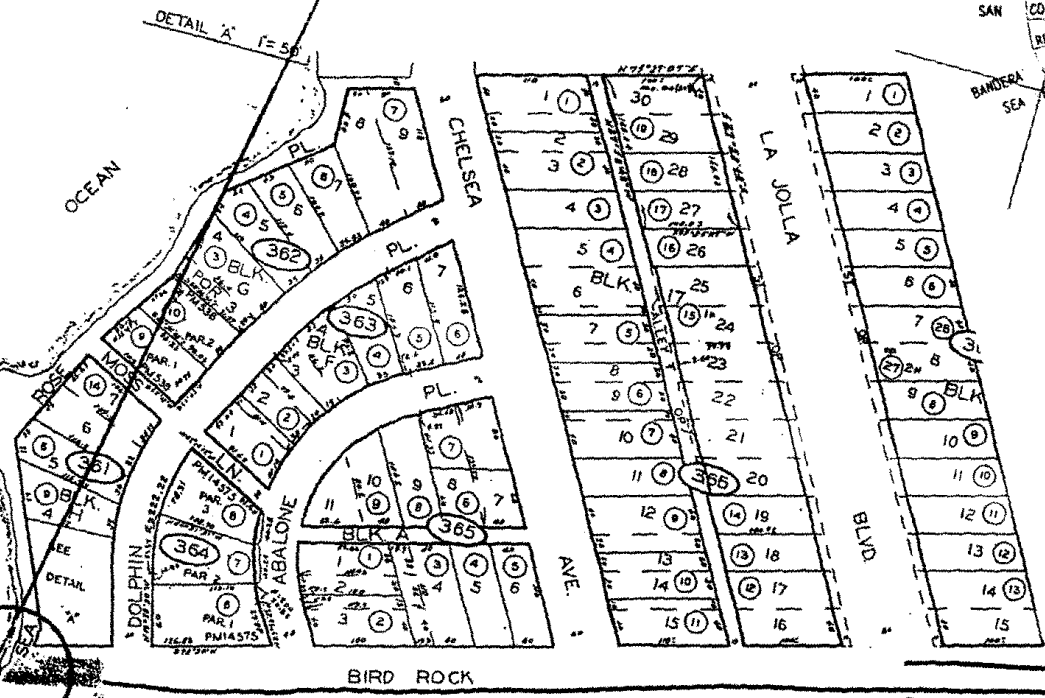
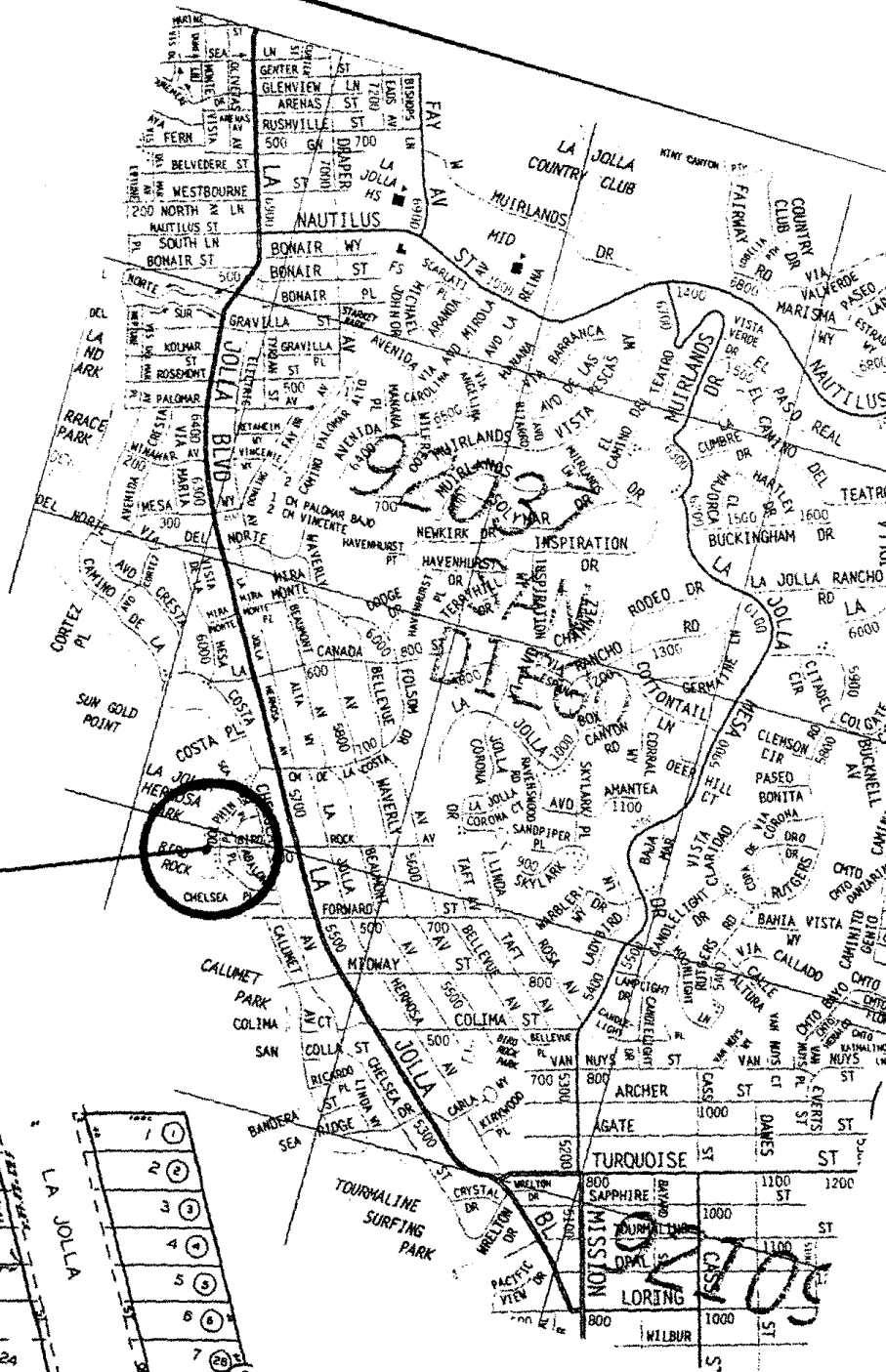
Thus, as conditioned to implement best-management practices during construction, the proposed development will not adversely impact water quality or have a significant adverse impact to adjacent downstream resources. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with policies addressing water quality of the certified LCP. Only as conditioned to properly convey runoff from the site and to comply with construction related requirements to incorporate and maintain Best Management Practices during construction, is the proposed project consistent with the water quality provisions of the certified LCP.

6. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case such a finding can be made.

The subject site is zoned RS 1-7 within the La Jolla community plan segment of the City of San Diego. The project is consistent with all applicable Chapter 3 policies of the Coastal Act, the certified La Jolla Community Plan and Local Coastal Program Addendum. As such, the Commission finds that approval of the proposal, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the La Jolla planning area.

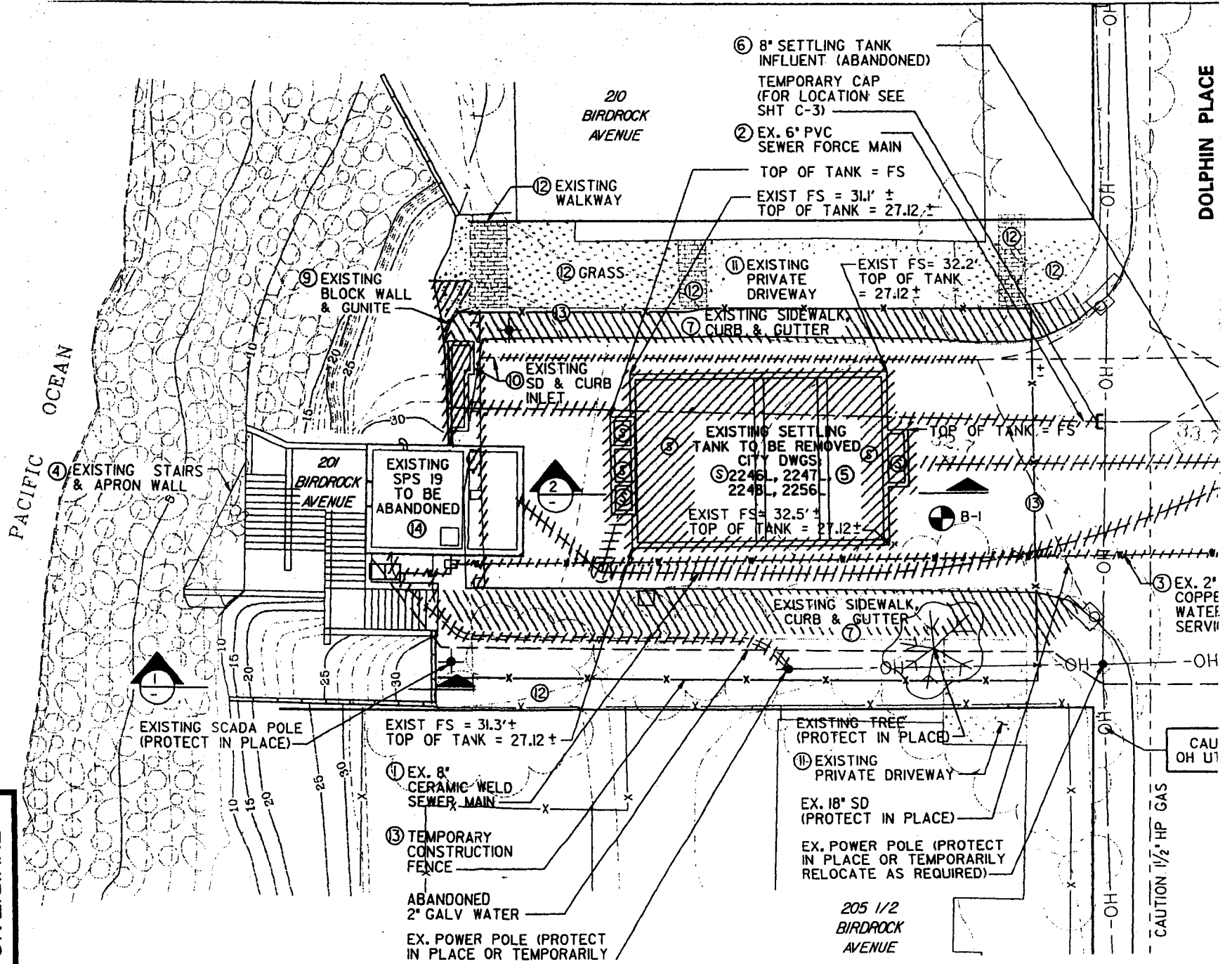
7. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental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

The proposed project has been conditioned in order to be found consistent with the geologic stability, water quality, visual resource provisions of the certified LCP as well as



Force Main Replacement  
43

EXHIBIT NO. 1  
APPLICATION NO.  
A-6-LJS-02



⑥ 8" SETTLING TANK  
INFLUENT (ABANDONED)  
TEMPORARY CAP  
(FOR LOCATION SEE  
SHT C-3)

② EX. 6" PVC  
SEWER FORCE MAIN  
TOP OF TANK = FS  
EXIST FS = 31.1' ±  
TOP OF TANK = 27.12' ±

⑪ EXISTING  
PRIVATE  
DRIVEWAY  
EXIST FS = 32.2'  
TOP OF TANK  
= 27.12' ±

⑦ EXISTING SIDEWALK,  
CURB & GUTTER

③ EXISTING SETTLING  
TANK TO BE REMOVED  
CITY DWGS.  
⑤ 2245, 2247,  
2248, 2256  
EXIST FS = 32.5' ±  
TOP OF TANK = 27.12' ±

EXIST FS = 31.3' ±  
TOP OF TANK = 27.12' ±

① EX. 8"  
CERAMIC WELD  
SEWER MAIN

③ TEMPORARY  
CONSTRUCTION  
FENCE

ABANDONED  
2" GALV WATER  
EX. POWER POLE (PROTECT  
IN PLACE OR TEMPORARILY

EXISTING TREE  
(PROTECT IN PLACE)

⑪ EXISTING  
PRIVATE DRIVEWAY

EX. 18" SD  
(PROTECT IN PLACE)

EX. POWER POLE (PROTECT  
IN PLACE OR TEMPORARILY  
RELOCATE AS REQUIRED)

205 1/2  
BIRDROCK  
AVENUE

DOLPHIN PLACE

CAUTION 1/2" HP GAS

PACIFIC OCEAN

201  
BIRDROCK  
AVENUE

20  
BIRDROCK  
AVENUE

 California Coastal Commission	EXHIBIT NO. 3
	APPLICATION NO.
	A-6-LJS-02-58
	Demolition Plan



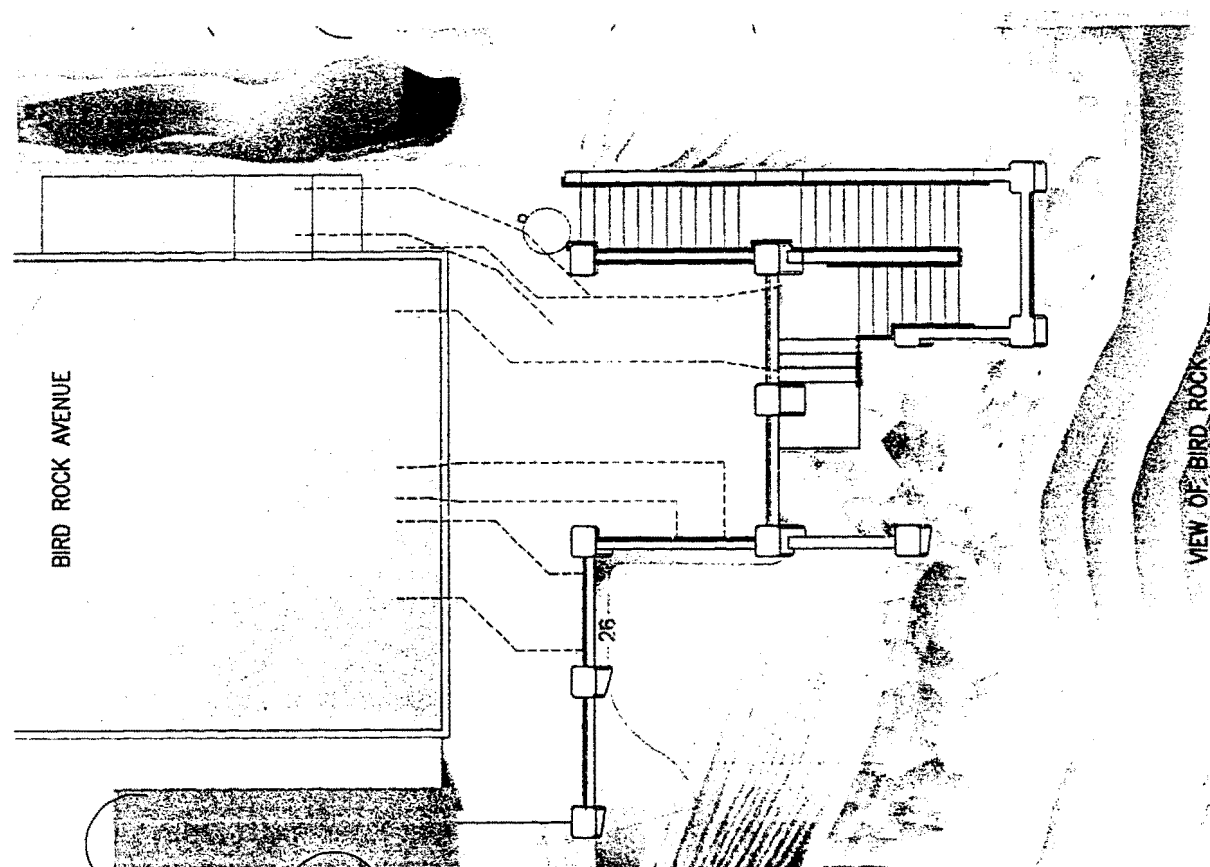
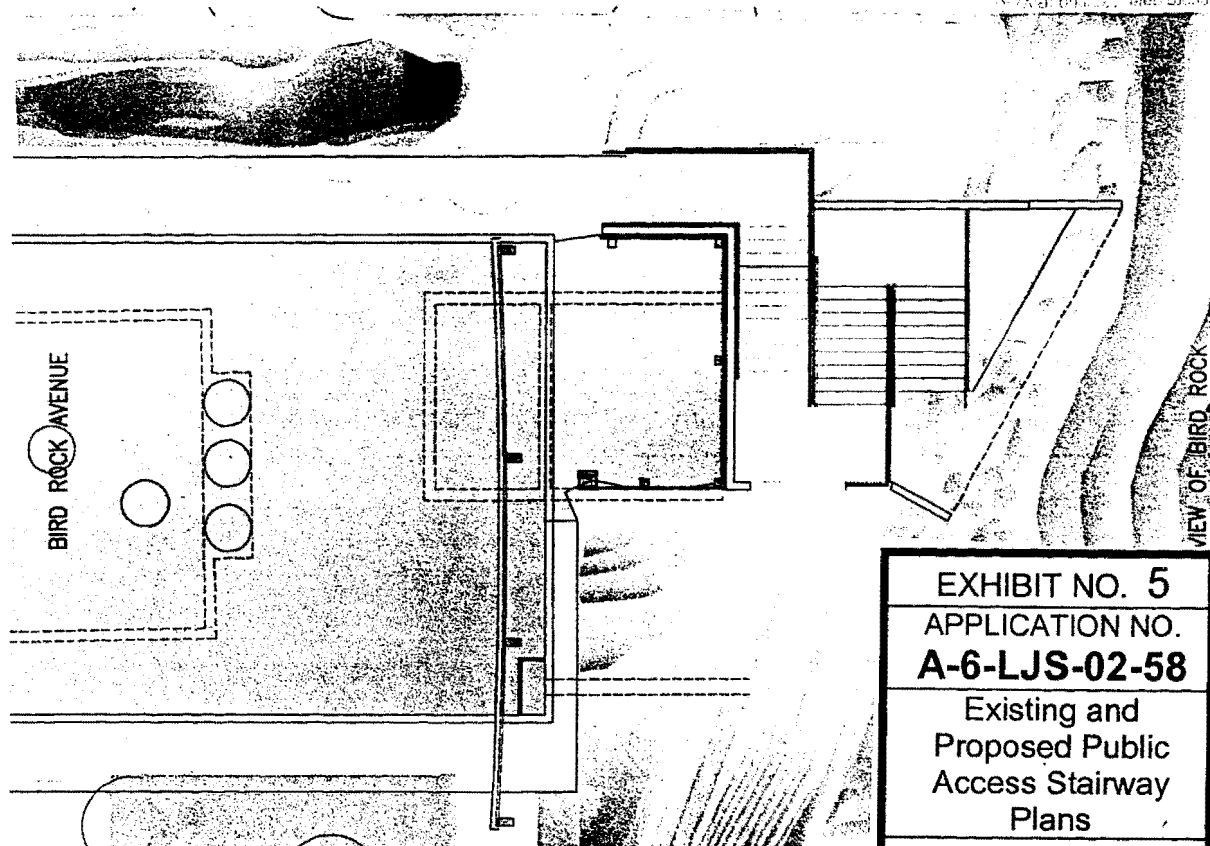
**TETRA TECH**  
 11550 Regatta Peninsula, Suite 200  
 San Diego, California 92121  
 (619) 449-1000



**Water and Wastewater Facilities Division**  
 Engineering and Capital Projects  
 22211 Street, Suite 200, Marina del Rey  
 San Diego, California 92037  
 (619) 533-5188 (619) 533-6126 FAX



**Platt/Whiteley Associates, Inc.**  
 10000 Wilshire Blvd., Suite 1000  
 Los Angeles, California 90024  
 (310) 206-1800 (310) 206-1801 FAX



**EXHIBIT NO. 5**  
**APPLICATION NO.**  
**A-6-LJS-02-58**  
 Existing and  
 Proposed Public  
 Access Stairway  
 Plans



EXISTING STAIRSITE CONDITIONS PLAN  
 NO. SCALE  
 1  
 A-1

PROPOSED STAIR / SITE PLAN  
 NO. SCALE  
 2  
 A-1

**Sewer Pump Station 19 - coastal access exhibit**

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
619-237-2370



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Patrick Kruer  
Mailing Address: 2445-5<sup>th</sup> Avenue, Suite 400  
San Diego, CA 92101

Phone Number: 619/231-3637

SECTION II. Decision Being Appealed

1. Name of local/port government: City of San Diego
2. Brief description of development being appealed: Abandonment of existing sewer pump station and removal of an adjacent wastewater settling tank and construction of a new, 1,200 sq.ft. pump station; construction and replacment of a portion of existing force main; installation of new parallel force main; construction of sewer influent line; removal and replacement of existing storm drainage line; replacement of existing coastal acces stairway; and expansion of the observation point and viewing area.
3. Development's location (street address, assessor's parcel no., cross street, etc.): 201 Bird Rock Avenue (public right-of-way), La Jolla, San Diego (San Diego County)
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: A6-LJS-02-058

DATE FILED: 4/2/02

DISTRICT: San Diego

[This appeal form is identical to an appeal form also signed and dated 4/2/02 by Commissioner Patricia McCoy contained in the permit file. Only this copy is reproduced herein as an exhibit to the staff report.]

EXHIBIT NO. 7
APPLICATION NO. A-6-LJS-02-58
Appeals


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 A dated 4/2/02

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/our knowledge.

Signed:   
Appellant or Agent

Date: 4/2/02

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

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

“Vertical Access

...In all new development between the nearest coastal roadway and the shoreline the City will make a determination of the need to provide additional vertical access easements based upon the following criteria:

[...]

e) public safety hazards and feasibility of reducing such hazards. [...]"

In addition, regarding the storm drain, the replacement of the storm drain that discharges toward the beach appears to be inconsistent with an LUP policy directing drainage away from the bluff edge or into special drainage facilities that have been equipped with energy dissipating devices to minimize erosion, and with the policy in the ESL regulations for sensitive coastal bluffs Section 143.0143(d) which states the following:

(d) All drainage from the improvements on the premises shall be directed away from any coastal bluff and either into an existing or newly improved public storm drain system or onto a street developed with a gutter system or a public right-of-way designated to carry surface drainage run-off. All drainage from any unimproved areas shall be appropriately collected and discharged in order to reduce, control, or mitigate erosion of the coastal bluff.

The City approval did not address alternatives to replacing the existing storm drain which discharges mid-bluff or whether or not structural improvements or other BMPS are necessary to improve water quality if such bluff discharge is unavoidable. The findings of the City's coastal development permit also did not address the potential for a low-flow diversion system within the proposed new pump station. This appears to be inconsistent with stormwater management and discharge provisions of the LDC and the LUP policy which states:

“The ocean and submerged lands within the jurisdictional limits of San Diego should be preserved in their natural state. Plant and marine life in tidepools and offshore waters should be protected from environmental degradation.”

The existing sewer pump station is presently situated on the face of a coastal bluff and does not observe a setback from the coastal bluff edge and, as such, it is an existing previously-conforming structure. The findings of the City's coastal development permit did not address improvements to/substantial renovation of this previously-conforming structure and its consistency with Sections 127.0105 and 127.0106 of the previously-conforming structure regulations in the LDC. Also, the proposed project includes grading and alteration of the bluff face to accommodate the new pump station, however the coastal development permit did not include findings which specifically addressed the proposed grading and its consistency with ESL regulations for Sensitive Coastal Bluffs which are part of the Land Development Code (LDC) and the certified LCP.

LJS  
4/3/02

6-LJS-02-041

RECEIVED

MAR 18 2002

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

**CITY OF SAN DIEGO  
COASTAL DEVELOPMENT PERMIT  
NOTICE OF FINAL ACTION**

DATE: March 13, 2002

The following project is located within the City of San Diego Coastal Zone. A Coastal Permit application for the project has been acted upon as follows:

APPLICATION NUMBER: CDP/SDP No. 1377

PROJECT DESCRIPTION: A Coastal Development Permit/Site Development Permit for the abandonment of the existing sewer pump station, and the construction of the following improvements: the removal of an adjacent wastewater settling tank and the construction in its place of a new, 1,200-square-foot pump station; construction and replacement of a portion of the existing force main; installation of a new parallel force main; construction of sewer influent line; removal and replacement of existing storm drainage line; replacement of the existing coastal access stairway; and expansion of the observation point and viewing area.

PROJECT NAME: Sewer Pump Station No. 19

LOCATION: Public Right-of-Way - 201 Bird Rock Avenue, La Jolla, CA

APPLICANT'S NAME/ADDRESS: Julie Ballesteros, Associate Engineer  
Engineering and Capital Projects Dept. - MS 908A  
City of San Diego  
600 "B" Street, Suite 800  
San Diego, CA 92101  
(619) 533-5188

FINAL ACTION:  Approved with Conditions ON CONSENT

ACTION BY:  HEARING OFFICER

ACTION DATE: March 13, 2002

CONDITIONS OF APPROVAL: See attached permit.

FINDINGS: See attached resolution.

Appealable to the Coastal Commission

Attachments: CDP/SDP 1377 Permit and Resolution

cc: California Coastal Commission

Project Planner: Michelle Sokolowski  
(619) 446-5278  
MS 501

EXHIBIT NO. 8
APPLICATION NO. <b>A-6-LJS-02-58</b>
City of San Diego Coastal Development Permit
 California Coastal Commission



Municipal/Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
  - a. The Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the office of the San Diego County Recorder.
3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)
7. This permit has been issued in accordance with all authorizations granted to the City of San Diego and all limitations imposed upon the City of San Diego by the United States Fish and Wildlife (USFWS) pursuant to Section 10(a) of the Endangered Species Act (Incidental Take Permit No. PRT-830421, effective 7/18/97 and expiring on 7/18/2047) and by the California Department of Fish and Game (CDFG), pursuant to Fish and Game Code Section 2835, as part of the Multiple Species Conservation Program (MSCP). As a result, if mitigation for this project is implemented in accordance with this Permit and the MSCP, this project will enjoy all assurances provided to the City in the City of San Diego Implementing Agreement (IA) executed on July 17, 1997.
8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall

17. The Owner/Permittee shall provide traffic control plans as required for any area of the project encroaching in the public roadway.

18. The ocean-facing retaining wall structure shall be constructed and designed to be visually compatible in design, material, and color with the existing adjacent bluffs, to the satisfaction of the City Manager. The color of the concrete posts and "rock" facade should match the bluff coloration as much as possible.

#### **LANDSCAPE REQUIREMENTS:**

19. All required landscape plant materials shall be maintained in a disease, weed and litter free condition at all times.

20. The Permittee or subsequent Owner shall be responsible for the maintenance of all landscape improvements consistent with the Landscape Standards.

21. If any required landscape improvements (including existing or new planting, hardscape, landscape features, etc.) are damaged or removed during demolition or construction, they shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager, within 30 days of damage.

22. Prior to issuance of any construction permits for structures, complete landscape and irrigation plans, details and specifications (including maintenance specifications), shall be submitted to the City Manager for approval.

23. A temporary irrigation system shall be installed, and shall include an electrically controlled automatic rain shut-off device or moisture-sensing device, low precipitation rate nozzles and an irrigation electric controller. The temporary irrigation system shall be removed two (2) years after the final approval of the construction permit for the project. The approved plant materials are drought tolerant and will not require irrigation once established.

24. Only native or other drought-tolerant plant species shall be used in landscaped areas within 40'-0" of the bluff edge, to the satisfaction of the City Manager.

#### **INFORMATION ONLY**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the Hearing Officer of the City of San Diego on March 13, 2002.

grade. In addition, a condition has been imposed within the permit which requires the ocean-facing retaining wall structure to be constructed and designed to be visually compatible in design, material, and color with the existing adjacent bluffs (Condition 18). The construction would occur on public property and will conform with applicable Land Development Code requirements.

**B. THE PROPOSED COASTAL DEVELOPMENT WILL NOT ADVERSELY AFFECT ENVIRONMENTALLY SENSITIVE LANDS.**

The project consists of the replacement of the existing sewer pump station. The project site, located within an urbanized area of La Jolla, contains environmentally sensitive lands in the form of a sensitive coastal bluff. The proposed project has been designed to replace the existing deteriorating sewer pump station, maintaining physical and visual public access to and along the shoreline, while protecting the site from erosion. The soil investigation and geologic reconnaissance report prepared for the project concluded that geologic conditions onsite would not preclude the proposed development, provided that recommendations of the report and generally accepted building construction practices are followed. Condition 16 of the permit ensures these standards will be met. In addition, the permit contains conditions which restrict the placement of irrigation and type of landscape material planted on the sensitive coastal bluff to native and other drought-tolerant species (Conditions 23 and 24). Finally, a condition has been imposed within the permit which requires the ocean-facing retaining wall structure to be constructed and designed to be visually compatible in design, material, and color with the existing adjacent bluffs (Condition 18). The incorporation of these project features will ensure the sensitive coastal bluff will not be adversely impacted by the proposed development.

**C. THE PROPOSED COASTAL DEVELOPMENT IS IN CONFORMITY WITH THE CERTIFIED LOCAL COASTAL PROGRAM LAND USE PLAN AND COMPLIES WITH ALL REGULATIONS OF THE CERTIFIED IMPLEMENTATION PROGRAM.**

The proposed replacement of the existing sewer pump station project has been designed to conform with the adopted La Jolla-La Jolla Shores Local Coastal Program and is consistent with the recommended residential land use, design guidelines, and development standards in effect for this site per the adopted La Jolla Community Plan and the City of San Diego Progress Guide and General Plan.

**D. FOR EVERY COASTAL DEVELOPMENT PERMIT ISSUED FOR ANY COASTAL DEVELOPMENT BETWEEN THE NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL OVERLAY ZONE, THE COASTAL DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE CALIFORNIA COASTAL ACT.**

The project site is located between the nearest public road and the Pacific Ocean. The subject property is located in the public right-of-way at the intersection of Bird Rock Avenue and Sea Rose Lane, westerly of Calumet Avenue. Sea Rose Lane is a paper street running essentially at the bottom of the bluff at the Pacific Ocean, which provides lateral public access across the coastal segment at the base of the bluff. Bird Rock Avenue extends to Sea Rose Lane, and therefore provides vertical public access to the beach via an existing stairway. The proposed project provides for the replacement of this existing

geologic reconnaissance report prepared for the project concluded that geologic conditions onsite would not preclude the proposed development, provided that recommendations of the report and generally accepted building construction practices are followed. Condition 16 of the permit ensures these standards will be met. In addition, the permit contains conditions which restrict the placement of irrigation and type of landscape material planted on the sensitive coastal bluff to native and other drought-tolerant species (Conditions 23 and 24). Finally, a condition has been imposed within the permit which requires the ocean-facing retaining wall structure to be constructed and designed to be visually compatible in design, material, and color with the existing adjacent bluffs (Condition 18). The incorporation of these project features will ensure the sensitive coastal bluff will not be adversely impacted by the proposed development.

**E. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATION OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISK FROM GEOLOGIC AND EROSIONAL FORCES, FLOOD HAZARDS, OR FIRE HAZARDS.**

The proposed project will be sited in the public right-of-way of Bird Rock Avenue, at its intersection with the unimproved Sea Rose Lane. There are no other steep hillsides on the project site.

The project site is located in a seismic area with a Geologic Hazard Rating of 47 (generally stable, coastal bluff). Based on the geologic reconnaissance report prepared by the applicant's engineer, the City's Geology staff has concluded that the soil and geologic conditions potentially affecting the proposed development have been adequately addressed. Geologic conditions onsite would not preclude the proposed development, provided the recommendations of the report and generally accepted building construction practices are followed, and the potential for geologic and erosional hazards would not be significant. The proposed development would not result in undue risk of flood and fire hazards.

**F. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS ON ANY ADJACENT ENVIRONMENTALLY SENSITIVE LANDS.**

The proposed sewer pump station replacement project will be located entirely within the public right-of-way and, as specified in Coastal Development Permit Finding "B," above, has been designed to avoid impacts to any adjacent environmentally sensitive lands, specifically the sensitive coastal bluffs.

**G. THE PROPOSED DEVELOPMENT WILL BE CONSISTENT WITH THE CITY OF SAN DIEGO'S MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) SUBAREA PLAN.**

The proposed project is not within or adjacent to the Multiple Habitat Planning Area and therefore is consistent with the City of San Diego's Multiple Species Conservation Program Subarea Plan.

**H. THE PROPOSED DEVELOPMENT WILL NOT CONTRIBUTE TO THE EROSION OF PUBLIC BEACHES OR ADVERSELY IMPACT LOCAL SHORELINE SAND SUPPLY.**

ALL-PURPOSE CERTIFICATE

Type/Number of Document CDP/SDP 1377  
Date of Approval March 13, 2002

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

Michelle Sokolowski, Development Project Manager

On \_\_\_\_\_ before me, STACIE L. MAXWELL, (Notary Public), personally appeared **Michelle Sokolowski**, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature \_\_\_\_\_  
Stacie L. Maxwell

ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed \_\_\_\_\_ Signed \_\_\_\_\_  
Typed Name Typed Name

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_ (Name of Notary Public) personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_



**SIERRA  
CLUB**  
FOUNDED 1892

San Diego Chapter  
*Serving the Environment in San Diego and Imperial Counties*

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**RECEIVED**

TUESDAY 8a MAY 02 2002

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Hon. Sara Wan, Chair  
California Coastal Commission  
May 1, 2002

RE: A-6-02-58 San Diego Pump Station Replacement

Dear Chairwoman Wan and Commissioners:

The San Diego Sierra Club respectfully requests the Commission to find that Substantial Issue exists in regard to the application by the City of San Diego to replace Pump Station 19.

Approximately two to three years ago, we contacted Bob Murphy at the City of San Diego division of Parks and Recreation to request that they review how access to the coast might be restored at that location. Public access to the shoreline and tidepools has been seriously compromised since about 1966 by an Army Corps of Engineer project to install large riprap as bluff protection for shoreline development along a sizeable length of the coast. We were told by Mr. Murphy that the City would consider using FEMA money, then expected to come to the City as a result of the recent El Nino events, to remove or reconfigure the access. Since that time, to our knowledge, no such actions have been either taken or proposed by the City.

We were present at a recent City of San Diego public presentation of the project, which raised concerns for us regarding the demolition, reconstruction, and expansion of this nonconforming structure on a sensitive coastal bluff face, as well as concern with the visual impact to the scenic bluff from such a replacement structure.

We, therefore, strongly support your staff's analysis and recommendations for Substantial Issue, and look forward to the opportunity to address the Commission at the De Novo hearing. Thank you for your consideration.

Sincerely,

*Joanne H. Pearson*

Joanne H. Pearson  
San Diego Sierra Club Coastal Committee

3820 Ray Street, San Diego, CA 92104-3623  
[www.sierraclub.org](http://www.sierraclub.org)



EXHIBIT NO. 9
APPLICATION NO.
<b>A-6-LJS-02-58</b>
Letter from Interested Party
California Coastal Commission