CALIFORNIA COASTAL COMMISSION
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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-04-140

Applicant: City of Coronado Agent: Gary Orsa

Description: Demolition of an existing 30-foot high, 534 sq.ft. lifeguard tower and construction of a new 35-foot high, 1,050 sq.ft. lifeguard tower/station in the same location on Central Beach, and construction of a new 790 sq.ft. restroom facility on sandy beach at North Beach. The lifeguard station includes construction of a seawall west of the structure.

Site: Central Beach and North Beach, Coronado, San Diego County.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval of the project, with special conditions. The applicant has demonstrated that the proposed replacement lifeguard station is necessary at the proposed location and that it size and extent has been minimized to reduce its impact on views and public access. The new lifeguard station will be located in approximately the same location as the existing facility, but because the structure is larger, will result in almost 1,000 sq.ft. of additional beach coverage. However, the larger structure will accommodate a first aid station and related safety facilities that will provide improved public services. The vertical seawall proposed will provide reasonable and necessary protection for the coastal-dependent use while minimizing impacts to public access and shoreline processes. Special Conditions prohibit the addition of any future shoreline protection.

The proposed restrooms will also provide a public service to beach visitors. The structure has been sized and located appropriately to minimize encroachment on the beach and adverse impacts to public access and recreation. While the restroom is located on the sandy beach, it is located at the eastern extent of the beach, adjacent to the road. Special Conditions prohibit the construction of any shoreline protection for the restroom.

Other conditions prohibit the placement of advertising on the structures, restrict the color and appearance of the buildings, require pre- and post-construction water quality BMPs, address construction access and timing, and require State Lands Commission review.

Standard of Review: Chapter 3 polices of the Coastal Act, with the certified Coronado LCP used as guidance.

Substantive File Documents: Certified City of Coronado LCP; County Processes and Wave Runup Analyses by TerraCosta Consulting Group, Inc., 1/24/05; CDP #6-01-170.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 6-04-140 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final site plans for the proposed lifeguard tower and restrooms. The final plans shall be in substantial conformance with the plans by Munroe and Orsa Architects, Inc 11/29/04, and shall include the following notes:

a) No advertising shall be permitted on the approved structures;

b) Clocks, temperature displays, or other safety information may be located on the façade of the approved structures.

c) Any fill material used during construction shall be clean, beach compatible material with no rubble, organics, or other debris.

d) During construction of the approved development, disturbance to sand and intertidal areas shall be minimized to the maximum extent feasible. All excavated beach sand shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for backfill or for any other purpose as construction material.

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. Protection of Water Quality - During Construction. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts associated with construction to receiving waters. The applicant shall implement the approved Construction Best Management Practices Plan on the project sites prior to and concurrent with the project staging, demolition and construction operations. The BMPs shall be maintained throughout the development process.

A. Said plan shall include the following requirements:

(i) No construction materials, debris, or waste shall be placed or stored in a manner where it may be subject to wave, wind, rain, or tidal erosion and dispersion.

(ii) Any and all refuse and debris resulting from construction and demolition activities shall be removed from the project site within 72 hours of completion of demolition and construction. Construction and demolition debris and sediment shall be removed from or contained and secured within work areas each day that construction or demolition occurs to prevent the accumulation of sediment and other debris that could be discharged into coastal waters. All demolition/construction debris and other waste materials removed from the project site shall be disposed of or recycled in compliance with all local, state and federal regulations. No debris or other waste materials shall be placed in coastal waters or be allowed to move into coastal waters. If a disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

(iii) No storage of mechanized equipment is allowed on the beach.

(iv) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction and demolition activities. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and Pacific Ocean

(v) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and kept as far away from a storm drain inlet and receiving waters as possible.

B. The required Construction Best Management Practices Plan for the project site shall also include the following BMPs designed to prevent spillage and/or runoff of construction and demolition-related materials, sediment, or contaminants associated with construction activity. The applicant shall:

(i) Develop and implement spill prevention and control measures and shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The fueling and maintenance area shall be located as far away from the receiving waters and storm drain inlets as possible and shall not be located on the beach if at all possible. If fueling or maintenance is proposed to be on the beach then the applicant shall submit a plan showing how there is essentially no possibility of contaminating beach materials through those operations.

(ii) Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters, and more than fifty feet away from a storm drain, open ditch or surface waters.

(iii) Provide and maintain adequate disposal facilities for solid waste, including excess concrete, produced during construction.

(iv) Provide and maintain temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence or hay bales, and silt fencing.

(v) Stabilize any stockpiled fill with geofabric covers or other appropriate cover, and close and stabilize open trenches as soon as possible.

(vi) Prior to final inspection of the proposed project the applicant shall ensure that no gasoline, lubricant, or other petroleum-based product was deposited on the beach or at any beach facility. If such residues are discovered, the residues and all contaminated sand shall be reported to the Executive Director in order to determine if the removal and disposal of the contaminated matter shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

The Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition shall be attached to all final construction plans. The permittee shall undertake the approved development in accordance with the Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition. Any proposed changes to the approved Construction Best Management Practices Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Protection of Water Quality - Project Design & Post Construction. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site. The plan shall be in conformance with the following requirements:

A. Water Quality Goals.

(i) Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site, without the construction of drain outlets onto the beach.

(ii) If the applicant uses post-construction structural BMPs (or suites of BMPs), they should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour

storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

(iii) Runoff from all parking areas, maintenance areas, and driveways shall be collected and directed through a system of appropriate structural and/or non-structural BMPs. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.

B. Monitoring and Maintenance

All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired, at the following minimum frequencies: 1) prior to October 15th each year; 2) during each month between October 15th and April 15th of each year and, 3) at least twice during the dry season (between April 16 and October 14).

(i) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.

(ii) All inspection, maintenance and clean-out activities shall be documented in an **annual report** submitted to the Executive Director no later than June 30th of each year. This report shall be submitted for the first three years following the completion of development.

(iii) It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification.

The permittee shall undertake and maintain the approved development in accordance with the Water Quality Management Plan approved by the Executive Director pursuant to this condition. Any proposed changes to the approved Water Quality Management Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. 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 to and along the shoreline via Ocean Boulevard. Beach access at Central Beach and North Beach shall remain open during construction.

c) No work shall occur on the beach between Memorial Day weekend and Labor Day of any year.

d) The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents. The staging site shall be removed and/or restored immediately following completion of the development.

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.

5. Exterior Treatment. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit for the review and approval in writing of the Executive Director, a final color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed lifeguard tower and restrooms, in substantial conformance with the colored plans dated 11/29/04 by Munroe and Orsa Architects, Inc. The color of the structures and roofs permitted hereby shall be restricted to colors compatible with the surrounding environment with no bright tones except as minor accents. All windows shall be comprised of non-glare glass.

The permittee shall undertake the development in accordance with the color board. Any proposed changes to the approved color board shall be reported to the Executive Director. No changes to the color board that result in either building taking on a substantially different appearance inconsistent with the surrounding environment shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. State Lands Commission Review. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall obtain a copy of written authorization to construct the proposed development from the State Lands Commission.

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 waves, storm waves, flooding and erosion; (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.

B. **PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

8. No Future Seaward Extension of Shoreline Protective Device: Lifeguard Tower

A. By acceptance of this Permit, the applicant agrees, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device for the lifeguard tower approved pursuant to Coastal Development Permit No. 6-04-140, as described and depicted on an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit, shall be undertaken if such activity extends the footprint seaward of the subject shoreline protective device. By acceptance of this Permit, the applicant waives, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235.

B. Prior to the issuance by the Executive Director of the **NOI FOR THIS PERMIT**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the shoreline protective device approved by this permit, as generally described above and shown on Exhibit #5 attached to this staff report, showing the footprint of the device and the elevation of the device referenced to NGVD (National Geodetic Vertical Datum).

9. No Future Bluff or Shoreline Protective Device: Restroom

A. By acceptance of this Permit, the applicant agrees, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the restrooms approved pursuant to Coastal Development Permit No. 6-04-140 including, but not limited to, the building, walkway, apron, and shower area in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

B. By acceptance of this Permit, the applicant further agrees, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including the surrounding walkways, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/Site History. The project consists of demolition and replacement of the City of Coronado's existing lifeguard tower/station, and construction of a new restroom facility. The existing, 3-story, approximately 30-foot high, 534 sq.ft. tower is located on Central Beach, seaward of the intersection of Ocean Boulevard and Isabella Street, approximately 280 feet seaward of the existing rock revetment along Ocean Boulevard. The new 1,189 sq.ft. tower would consist of a main tower approximately 35 feet high at roof top, with an approximately 6-foot high antenna, and a 17-foot high secondary building, also with an antenna, attached to the landward side of the proposed tower. A 1,323 sq.ft. concrete apron would surround the building. A new, partially buried seawall would be located on the seaward side of the apron. The seawall would extend approximately 36 inches above the proposed concrete apron.

The new tower would be located in approximately the same area as the existing lifeguard tower; however, because the footprint of the new structure is much larger, the new building and apron would extend approximately 24 feet further seaward. The footprint of the existing lifeguard tower, including the structure and the surrounding concrete apron is approximately 1,059 sq.ft. The footprint of the proposed facility, including the new building and apron, would be approximately 2,027.

The proposed new 11-foot high, 790 sq.ft. restroom facility would be located on sandy beach at North Beach, just southeast of the existing beach accessway at the intersection of Ocean Drive and Ocean Boulevard, seaward of the existing revetment. The building would consist of a men's restroom, a women's restroom, two family restrooms, and a

outdoor shower/rinse off area. Also proposed is an approximately 1,425 sq.ft. concrete apron surrounding the building and an approximately 1,713 sq.ft. walkway from the existing sidewalk to the restrooms. The proposed restrooms would replace the "portapotties" currently located at Sunset Park, across the street from North Beach.

The existing lifeguard tower was constructed in 1968 and is located approximately 280 feet seaward of the Ocean Boulevard revetment. In January 1999, the Commission approved the widening and extension of the walkway between the stairway and the existing lifeguard tower (6-98-130), and in March 2001, the Commission approved replacement of the third story of the lifeguard tower and interior remodeling and upgrading of the first two stories (6-01-004). A 2001 inspection of the tower determined that the masonry wall construction had weakened to the point where the facility was determined to be unsafe and the tower was condemned and abandoned. The inspection was not able to determine if the damage to the tower walls was the result of age or high tides and waves experienced during the 1982 El Niño storms.

The proposed lifeguard tower and restroom are two of three new structures currently being proposed on Central and North Beach. The third structure is a new 2,574 sq.ft., 11'9" high lifeguard public safety service building at Central Beach adjacent to the rock revetment landward of the existing/proposed lifeguard tower (6-05-026). These applications are being reviewed by the Commission on the same agenda in order to assess the cumulative impacts of the proposed new construction on the beach.

The City of Coronado has a fully certified Local Coastal Program (LCP) and issues its own coastal development permits. However, Central Beach is operated by the City of Coronado under a lease from the State Lands Commission (Lease #PRC 3691.1). Because the site is located on State tidelands, the site is under the Commission's original jurisdiction and has been designated as such on the City of Coronado's Post-Certification and Appeals Map. Therefore, Chapter 3 of the Coastal Act is the standard of review. The State Lands Commission is currently in the process of reviewing the project for consistency with the terms of the City's lease. Special Condition #6 requires that the City submit evidence of State Lands approval prior to issuance of the permit.

2. Shoreline Protection/Public Access. The following sections of the Coastal Act are applicable to the proposed project and state, in part:

Section 30210

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with the public safety needs and the need to protect public rights, rights of private property owners, and natural resources from overuse.

Section 30211

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

Section 30235

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply...

Section 30253

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

Section 30604 (c) of the Coastal Act requires that in order to issue a coastal development permit for any development between the sea and the nearest public road paralleling the sea, the Commission must specifically find that the permitted development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. In this case, as conditioned, such a finding can be made.

The proposed lifeguard tower includes a partially buried seawall located on the seaward side of the new concrete apron. The seawall would extend approximately 36 inches above the proposed concrete apron, and would be dug down into the Bay Point Formation below the sand. No toestone or riprap is proposed on the seaward side of the structure.

No seawall is proposed in associated with the restrooms. A 3-foot 8-inch masonry wall around the rinse off area would be located seaward of the building. No toestone or riprap is proposed on the seaward side of the structure.

Both the replacement lifeguard tower and the new restrooms represent potential conflicts with the shoreline protection, public access, and recreation policies of the Coastal Act. While the Commission certainly recognizes the important function of a lifeguard tower and restrooms for the beach-going public, the structures must be located and designed to reduce impacts on public access and shoreline sand supply. There are several ways in which the proposed structures could have an adverse impact on these coastal resources.

The buildings would interfere directly with public access by occupying beach area that would otherwise be available for public use.

The second effect is that any hard structure on the beach, like a building or shoreline protective device can have adverse impacts on sand supply. Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" solutions alter natural shoreline processes. Shoreline protective devices can result in a number of adverse effects on the dynamic shoreline system and the public's beach ownership interests. First, shoreline protective devices can cause changes in the shoreline profile, particularly changes in the slope of the profile resulting from a reduced beach berm width. This may alter the usable area available to the public seaward of the structure. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on public property.

The second effect of a shoreline protective device (or other hard structure) on access is through a progressive loss of sand as the natural shore material is not available to nourish offshore sand bars. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. A loss of sandy beach area is a significant adverse impact on public access to the beach.

Third, shoreline protective devices such as revetments and bulkheads can cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. In the case of the proposed development, Central and North Beach are very wide sandy beaches. However, the width of the beach can vary after severe storm events. The Commission notes that if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. The Commission also notes that many studies performed on both oscillating and eroding beaches have concluded that loss of beach occurs on both types of beaches where a shoreline protective devices or other hard structures exists.

Fourth, if not sited in a landward location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, as noted, revetments, bulkheads, seawalls and other hard structures interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events, but also potentially throughout the winter season.

Shoreline protection devices are required to be approved only when necessary to protect coastal-dependent uses, existing structures, or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local sand supply. The Coastal Act does not require the Commission to approve shoreline altering devices to

protect vacant land or in connection with requests to construct new development that is not a coastal-dependent use. A shoreline protective device proposed in those situations is likely to be inconsistent with various Coastal Act policies. For example, Section 30253 addresses new development and requires that it be sited to lessen the risks due to hazards. In this case those risks are from waves, storm events, erosion and flooding.

Thus, while the Commission certainly recognizes the important function of a lifeguard tower and restrooms for the beach-going public, the structures must be the minimum size necessary, and located and designed to reduce impacts on public access and shoreline sand supply.

Need for Facility/Alternatives Analysis.

The proposed lifeguard tower would be located in the same area as the existing lifeguard tower, although the larger building would extend approximately 24 feet closer to the water. The location of the proposed (and existing) tower was determined by the need to be near the water to view swimmers and to direct lifeguards to areas of need. Most of the sandy beach cannot be accessed directly because of the substantial rock revetment along the inland extent of the beach. The tower location is on the southern portion of Central Beach, but it is across from the main entry point to the majority of the beach, and is centrally located enough that the both the northern and southern extent of the beach can be accessed quickly. The only existing permanent public restrooms on the beach are also sited at this location. The City has stated that because of its central location, the tower functions as a command center to direct safety staff to points of need and is the first point of contact by those seeking medical aid.

Since the existing tower's closure, lifeguard staff have used temporary towers. However, the City has indicated that these structures are not tall enough to adequately observe the water for the area under the City's responsibility. They are also inadequate, do not provide the minimum of first aid care and the office space is elevated and therefore not accessible to all of the public.

The main difference between the existing, condemned tower and the proposed lifeguard tower is the size of the first floor. The existing lifeguard tower is three stories high, each story approximately 178 sq.ft. in size, plus a 196 sq.ft. observation deck. The proposed tower will have a 704 sq.ft. first floor, a 173 sq.ft. second floor, a 173 sq.ft. third floor, and a 208 sq.ft. observation deck.

The City has indicated that there are several reasons for the increased tower size. The proposed lifeguard tower would provide access to the upper two floors (where a workstation and the observation area are located) by use of a stairway. The existing tower uses a ladder to access the two upper floors, which occupies less space than a stairway, but is more hazardous. Most significantly, the existing tower was constructed in 1968. The City notes that, unlike today, first aid services and lifeguard medical training was limited at that time, and the existing tower has extremely limited first aid facilities. At the time the tower was constructed, beach visitors also numbered about

20,000 people per year. Current figures are upward of 2,000,000 visitors per year. With population growth, the expectation is that these numbers will increase.

Due to the increases in public attendance, the first aid needs have overwhelmed the capacity of the existing tower to adequately treat the variety of injuries or accommodate the equipment needed to administer health care and deal with biological and medical waste. Therefore, the first floor of the tower has been increased 526 feet to accommodate a first aid station designed to treat a variety of patient needs from hypothermia, stingray wounds, cuts and abrasions, broken bones, eye injuries, near drowning and seizures. The facility includes a toilet room, a shower for treating hypothermia patients, a sink for hand washing, a cot area to allow patients to lie down, and medical supply storage for both the first aid room and to re-supply the mobile units assigned to the beach. The City has indicted that health codes require a number of these functions to be provided based on the level of care provided and to conform to the treatment of blood borne pathogens.

Originally, a much larger building footprint was proposed to house of the lifeguard equipment, lockers, and offices. The City determined that this would result in an unnecessarily bulky structure, and these functions have been relocated to the proposed public safety service building referenced above (CDP #6-05-26). The only functions to remain at the building are observation and first aid, which the City considers the minimum necessary for this site.

There is a narrow concrete apron around the existing tower that would be expanded for the proposed tower. The City has stated that the apron provides a buffer to keep sand from entering the building, which is important in general housekeeping, but also keeps the first aid space more sanitary. Second, the apron is used to treat overflow patients in the event of a swarm of injuries. The City has indicated that on a summer day, stingray injuries have occurred as frequently as 10-12 an hour. Treatment consists of soaking the wound in hot water for along as possible, but a minimum of 20 minutes. Having an overflow space allows the first aid space to be freed up to do triage and treat more severe cases until they can be transported.

In this particular case, the replacement lifeguard facility will continue to provide an important public safety function with expanded public health services. The building will be located where required to be functionally adequate, and the proposed structure is reasonably sized to accommodate the public safety needs of the area and the population being served.

With regard to the proposed new restrooms at North Beach, North Beach is another main entrance to the beach. From this point, visitors can access the main beach area to the south or dog beach to the north. It is also located adjacent to Sunset Park across the street. As noted, currently the only permanent restroom facilities on the beach are at Central Beach near the lifeguard tower, with "portapotties" located at Sunset Park across the street. The rock revetment is more than 6 feet above street level at North Beach, and there are no ocean views except at the entryway. The City has stated that the location of the restroom on the seaward side of the revetment was chosen as the only place in the vicinity where the structure could be concealed from public views.

The proposed restrooms would provide a much needed beach amenity at the northern portion of the beach. Again, the Commission must weigh the benefit of new recreational support facility against the loss of sandy beach area that would result from the new construction. As noted, the only existing permanent beach restrooms are near the lifeguard tower at Central Beach, approximately ¼ mile south of the North Beach access point. The area is heavily used by people going to North Beach and is also the entry to Dog Beach, located north of the site. There are also fire rings at North Beach.

The proposed restroom site is directly across the street from Sunset Park, a 3-acre park consisting of grassy turf, a small play area, and "portapotties". The restroom could be sited at the park, which would avoid the need to take up beach area. However, at this particular site, there is considerably more beach area than grass area. Coronado beaches are among the widest in the County, and even in the winter, it can be a considerable hike from the water's edge to the revetment and sidewalk. The restroom has been designed to be low profile so it is not visible from the street, but it will be visible from the beach, and obviously by people walking by to access the water. Convenient restrooms provide not only a recreational amenity, but also a water quality improvement, as formal restrooms facilities provide beachgoers an alternative to using the ocean. It is reasonable to assume that beachgoers positioned near the water would be far less likely to make use of restrooms located out of sight, across the street in Sunset Park, than they would be to use a facility located at the proposed site seaward of the revetment. Thus, in this particular case, siting the proposed restrooms on the beach is consistent with the public access and recreation policies of the Coastal Act.

Special Conditions

The proposed project would replace an existing lifeguard tower with a new facility better equipped to serve the public. Since in this particular case, the replacement tower must necessarily be located in area subject to wave action in order to function effectively, the project includes construction of a vertical seawall. The Commission's coastal engineer has also reviewed the proposed project and submitted technical reports and concurs that a seawall is needed. The Commission recognizes the necessity of the proposed development for public safety purposes and in this particular case finds that, if the impacts on shoreline sand supply, public access and visual resources can be reduced to the maximum extent possible, its siting on the beach and further seaward encroachment can be found consistent with the Coastal Act.

It is important that the proposed seawall be designed to adequately protect the lifeguard tower to ensure that in the future, it is not necessary to add additional protection to the site, such as riprap or a larger wall, which would result in more encroachment on the beach and impacts to coastal resources. Adequate shoreline protection also reduces the chance that rubble and debris will be deposited on the beach from a damaged structure. The Commission's engineer has reviewed the project and concluded that as proposed, the seawall has been designed to be adequate to protect the proposed structure from storms and wave action. Special Condition #8 requires the City to waive any rights to additional protection in the future that would increase the seaward extent of the seawall. If, in the

future, the shoreline protection is damaged or fails to protect the tower, the City should apply for a new permit or amendment to this permit to repair or rebuild the seawall in a manner that does not require additional encroachment on the beach.

The geotechnical report discusses possibly importing fill material for the foundations so they will be able to resist liquefaction impacts and possible differential settlement. Special Condition #1 requires that if there is soil importation, then it should be clean, beach compatible material with no rubble, organics, or other debris.

Siting the proposed restrooms on the beach is consistent with the public access and recreation policies of the Coastal Act. The minimal amount of beach encroachment involved is offset by the public benefits associated with the restrooms. However, only this minimal amount of encroachment is appropriate. Unlike the lifeguard tower, the restroom does not have to be located on the beach to serve its function. The structure has been located as far inland as possible, and given the width of Coronado's beaches, is unlikely to be damaged by waves or storm action. The geotechnical studies submitted with the project indicate the site is likely to subject to wave action only during extreme storm events. If, however, beach conditions were ever to change so drastically that in order to maintain the structure, shoreline protection such as riprap or other permanent armoring that could impact coastal resources was required, the structure could, and should be relocated. If the beach were ever so narrow that the restrooms were subject to regular wave action, providing open beach area would likely be a higher priority than restrooms, and at that point, beach use would probably have lessened considerably, reducing the value of support facilities such as restrooms.

Therefore, Special Condition #9 requires the City to waive all rights to construct shoreline protection for the restrooms. If the restrooms are threatened in the future, the City should consider removal and relocation of the restrooms the feasible alternative to the construction of shoreline protection.

The beach is a heavily utilized recreational amenity, and construction activities during the busy summer months when beach attendance is at its greatest demand would significantly impact public access at this location. Special Condition #4 restrictions construction activities from occurring during the peak beach use season (from Memorial Day through Labor Day). The condition also requires that the accessways at Central and North Beach remain open throughout construction.

Although the Commission finds that the proposed project has been designed to minimize the risks associated with its implementation, the Commission also recognizes the inherent risk of shoreline development. The lifeguard tower will be subject to wave action, and the restroom may on occasion be struck by waves. Thus, there is a risk of damage to the structure or damage to property as a result of wave action. Given that the applicants have chosen to construct the structure despite these risks, the applicants must assume the risks. Accordingly, Special Condition #7 requires that the City acknowledge the risks associated with the development and that indemnifies the Commission against claims for damages that may be brought by third parties against the Commission as a result of its approval of this permit.

Conclusion

The proposed lifeguard station and public restrooms are valuable safety and recreational facilities that will enhance the beach-going experience for visitors. The structures have been sized and located appropriately to maximum their effectiveness and minimize encroachment on the beach and adverse impacts to public access and recreation. Although a seawall is proposed to protect the lifeguard tower, the structure must be located in the proposed area in order to function, and the shoreline protection has been designed to minimize impacts to public access, recreation, and shoreline sand supply. As proposed and conditioned, neither the lifeguard facility nor the restrooms will require or result in additional beach encroachment in the future for shoreline protection. Prohibiting construction during summer will minimize recreational impacts. Therefore, as conditioned, the proposed project can be found consistent with the public access, recreation, and shoreline protection policies of the Coastal Act.

3. Public Views. Section 30251 of the Coastal Act is applicable to the subject project 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...

As described above, the proposed replacement lifeguard tower would be located in approximately the same area as the existing lifeguard tower; however, because the footprint of the new structure is much larger, the new building and apron would extend approximately 24 feet further seaward. The footprint of the existing lifeguard tower, including the structure and the surrounding concrete apron is approximately 1,059 sq.ft. The footprint of the proposed facility, including the new building and apron, would be approximately 2,027. To accommodate larger first aid facilities, the first story of the new tower would be significantly larger than that of the existing tower, and will be designed to look like an attached distinct structure.

In addition, the proposed building will be approximately 5 feet higher than the existing building. However, the building is higher only in the roofline; the floor heights will be the same as the existing tower. The City has indicated that after extensive public testimony and redesign, the slope of the proposed roofline was pitched higher for aesthetic reasons to more closely match the nearby Hotel del Coronado. The buildings original square shape was also revised through the public review process as an octagon. This is intended to narrow the profile of building when viewed from different angles, as the corners are cut off to form the octagon.

There is no question that the new tower will be a prominent feature on the beach. However, lifeguard towers are a typical, expected feature on an urban beach, and because of the public services provided therein, should be fairly visible. The two-building design

of the new tower will appear larger than the existing tower, but given the building's location on the middle of a wide-open sandy beach, a somewhat larger, taller building is not going to substantially change the character of the beach or block any new significant public views.

The proposed restrooms would be tucked up against the existing revetment along Ocean Avenue, and would not be visible from the street. The City has indicated that the color scheme of both the restrooms and the lifeguard tower was chosen to make the structures as inconspicuous as possible. The proposed color of the base of the tower is a sandy beige, and the tower rooftops would be a stained greenish copper metal. The proposed restroom would be faced with stone veneer to blend in with the adjacent riprap.

Special Condition #5 requires that that the City maintain the exterior of the structures with colors and materials compatible with the surrounding environment. During the local hearing process, the City considered decorating the tower with artistic tiles, although this design feature was not ultimately chosen. Special Condition #5 would accommodate minor changes to the façade of the buildings as long as neither building took on a substantially different appearance inconsistent with the surrounding environment. Special Condition #1 prohibits the placement of advertising on the buildings. Clocks, temperature displays, or other public safety or informational displayed would be allowed.

In conclusion, the proposed buildings have been designed to blend in with the surrounding landscape and be as unobtrusive as feasible. As conditioned, no adverse visual impacts will result. Therefore, the Commission finds that the proposed development is consistent with Section 30251 of the Coastal Act.

4. Water Quality. The following sections of the Coastal Act are applicable to the proposed development and state:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations 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, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging

waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Sections 30230, 30231 and 30232 of the Coastal Act require that marine resources be maintained, enhanced, and restored in a manner that will sustain the biological productivity of all species of marine organisms in coastal waters, and that the biological productivity and water quality of coastal waters be maintained and restored by controlling polluted runoff.

The lifeguard and restroom sites would be located directly on the beach. Pollutants such as sediments, toxic substances (e.g., grease, motor oil, heavy metals, and pesticides), bacteria, and trash and particulate debris are often contained within urban runoff entering via the storm water system or directly into the ocean. The discharge of polluted runoff into the ocean would have significant adverse impacts on the overall water quality of the ocean.

Construction activities may have an adverse effect on water quality in a number of ways. For example, the storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, tide, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery not designed for use in coastal waters may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged to coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, Special Condition #2 outlines construction-related requirements to provide for the safe use and storage of construction materials and the safe disposal of construction debris.

This condition requires the applicant to submit a Construction Best Management Practice Plan. In addition, Special Condition #2 requires the implementation of Best Management Practices designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity prior to the onset of construction. Such measures include, in part, proper handling, storage, and application of petroleum products and other construction materials; maintaining and washing equipment and machinery in confined areas specifically designed to control runoff; and stabilizing any stockpiled fill with geofabric covers or other appropriate cover.

The proposed project will result in an increase in impervious surfaces. Currently, water runoff sheet flows onto the beach and into the ocean. Since the existing lifeguard tower was constructed decades ago, the project site is lacking in water quality measures to treat or filtrate storm water runoff that leaves the site and enters the coastal waters.

The discharge of these pollutants to coastal waters can cause cumulative impacts that reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health. Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, Special Condition #3 requires the incorporation of Water Quality Management Plan designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site. The Water Quality Best Management Plan requires the implementation of appropriate Best Management Practices for the project including restrooms and driveways associated with the lifeguard station. The amount of additional impervious surface created by the proposed development is fairly small, so the condition allows the applicant to select structural BMPs, non-structural BMPs, or some combination of both. Critical to the successful function of any post-construction structural BMPs in removing pollutants in storm water is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small in scale. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost. Therefore, any post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

Special Condition #3 requires that all BMPs be operated, monitored, and maintained for the life of the project and at a minimum, any structural BMPs shall be inspected, cleaned-out, and when necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season. Debris and other water pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner. Special Condition #2 also requires the applicant to dispose of all demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicant that use of a disposal site within the coastal zone will require an amendment or new coastal development permit. The Commission's water quality staff have reviewed the project and the special conditions and determined that as conditioned, the project will protect marine resources and coastal waters.

Therefore, as conditioned to comply with construction related requirements, dispose of all debris at an approved disposal site, incorporate and maintain Best Management Practices during construction and after construction, and forbid the use of structures

containing petroleum based material, the proposed project can be found consistent with the water quality provisions of the Coastal Act.

5. Local Coastal Planning. The City of Coronado has a certified LCP and has assumed permit-issuing authority for the majority of the City, all of which is in the coastal zone. The site of the subject proposal, however, is located in an area that is subject to the Commission's original permit jurisdiction because it is located on public trust lands. Thus, Chapter 3 of the Coastal Act is the standard of review. The subject site is designated "beach" in Coronado's certified LCP. As discussed above and as conditioned, the proposed lifeguard tower and restroom can be found consistent with this designation. Therefore, the Commission finds the proposed development will not prejudice the ability of the City of Coronado to continue implementation of its certified LCP.

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 previously discussed, the proposed project will not cause significant adverse impacts to the environment. The project, as conditioned, is consistent with the shoreline protection, public access, recreation, visual protection and water quality policies of the Coastal Act. As conditioned, 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, as conditioned, is the least environmentally damaging feasible alternative and is 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.

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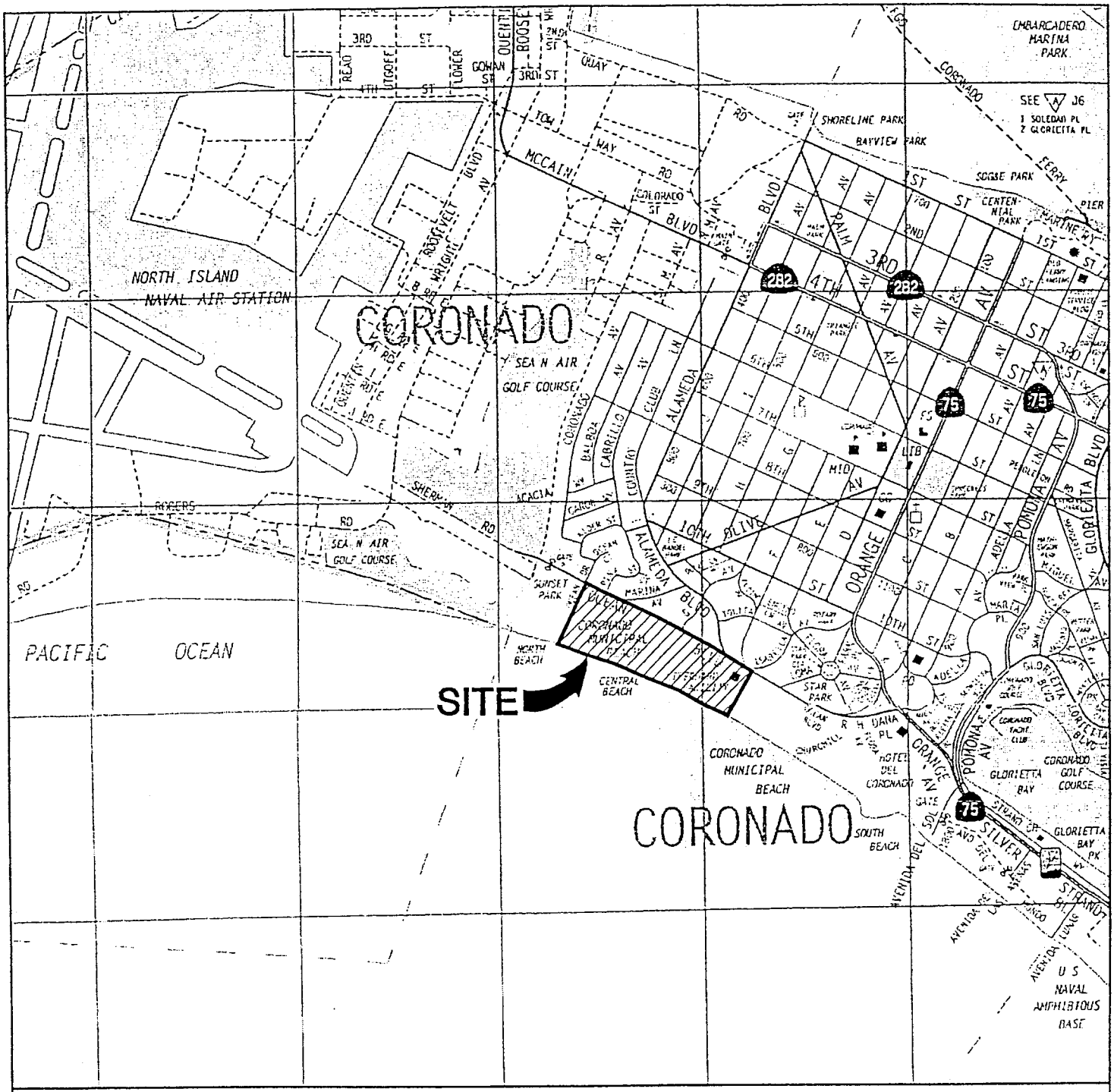


KLEINFELDER

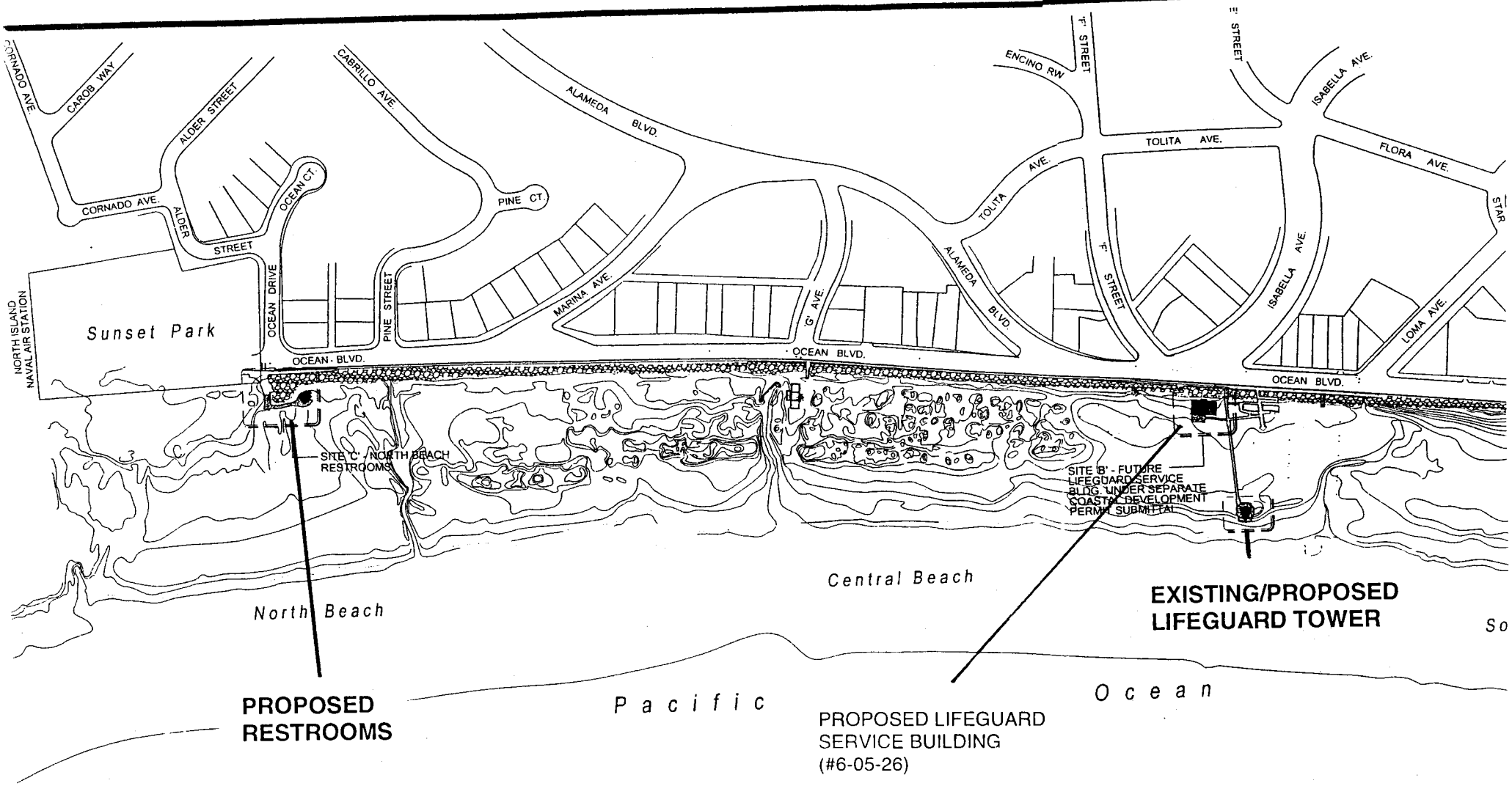
5015 SHOREHAM PLACE
SAN DIEGO, CALIFORNIA 92122

VICINITY MAP

CORONADO BEACH IMPROV

EXHIBIT NO. 1
APPLICATION NO.
6-04-140
Location Map

California Coastal Commission



OVERALL SITE PLAN -- CORONADO MUNICIPAL BEACH

SCALE: 1" = 150'

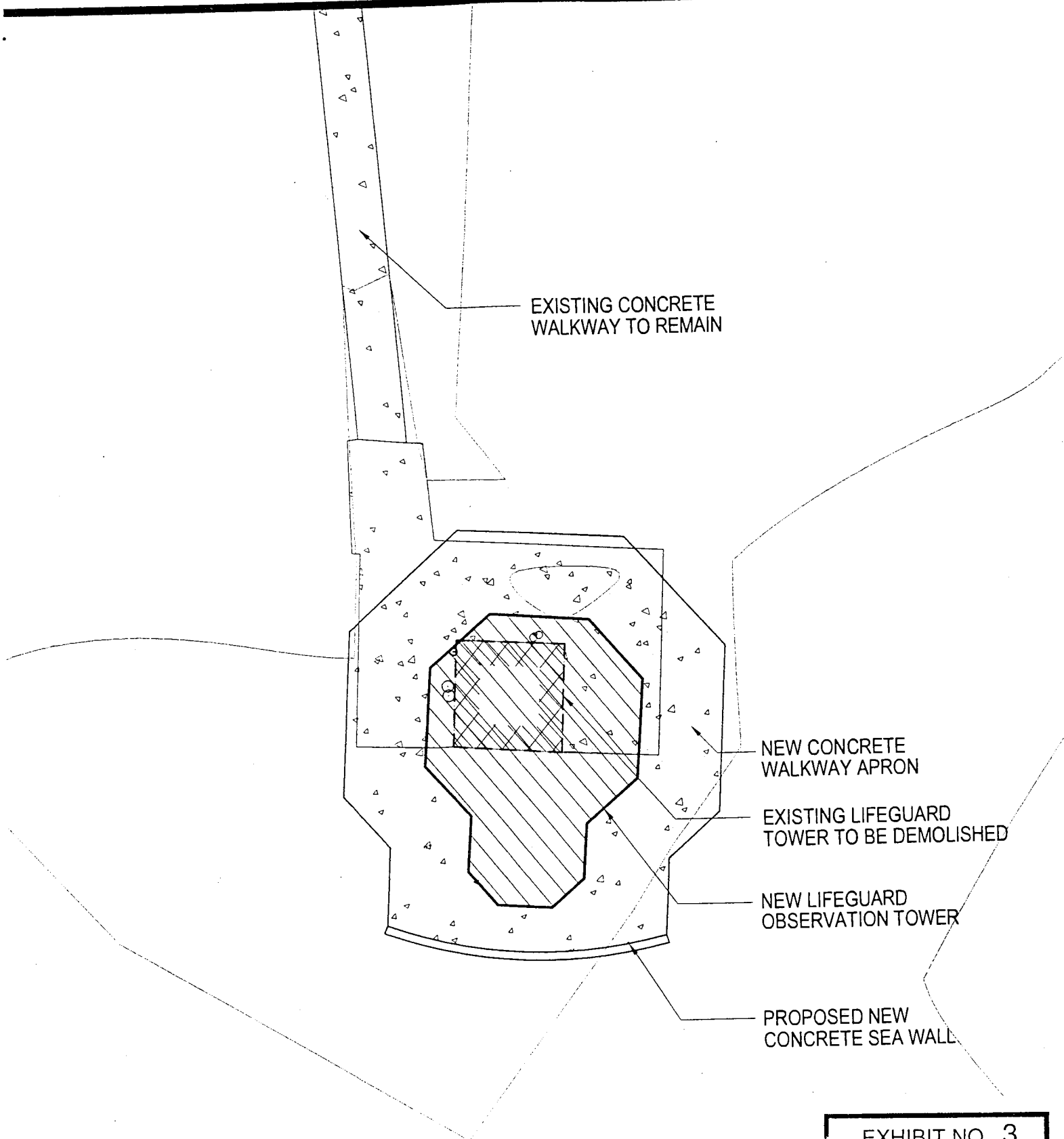
LIC SAFETY / RESTROOM PROJECT

CORONADO, CALIFORNIA

OVERALL BEACH SITE PLAN

29 September 2004

EXHIBIT NO. 2
APPLICATION NO. **6-04-140**
Overall Site Plan
California Coastal Commission

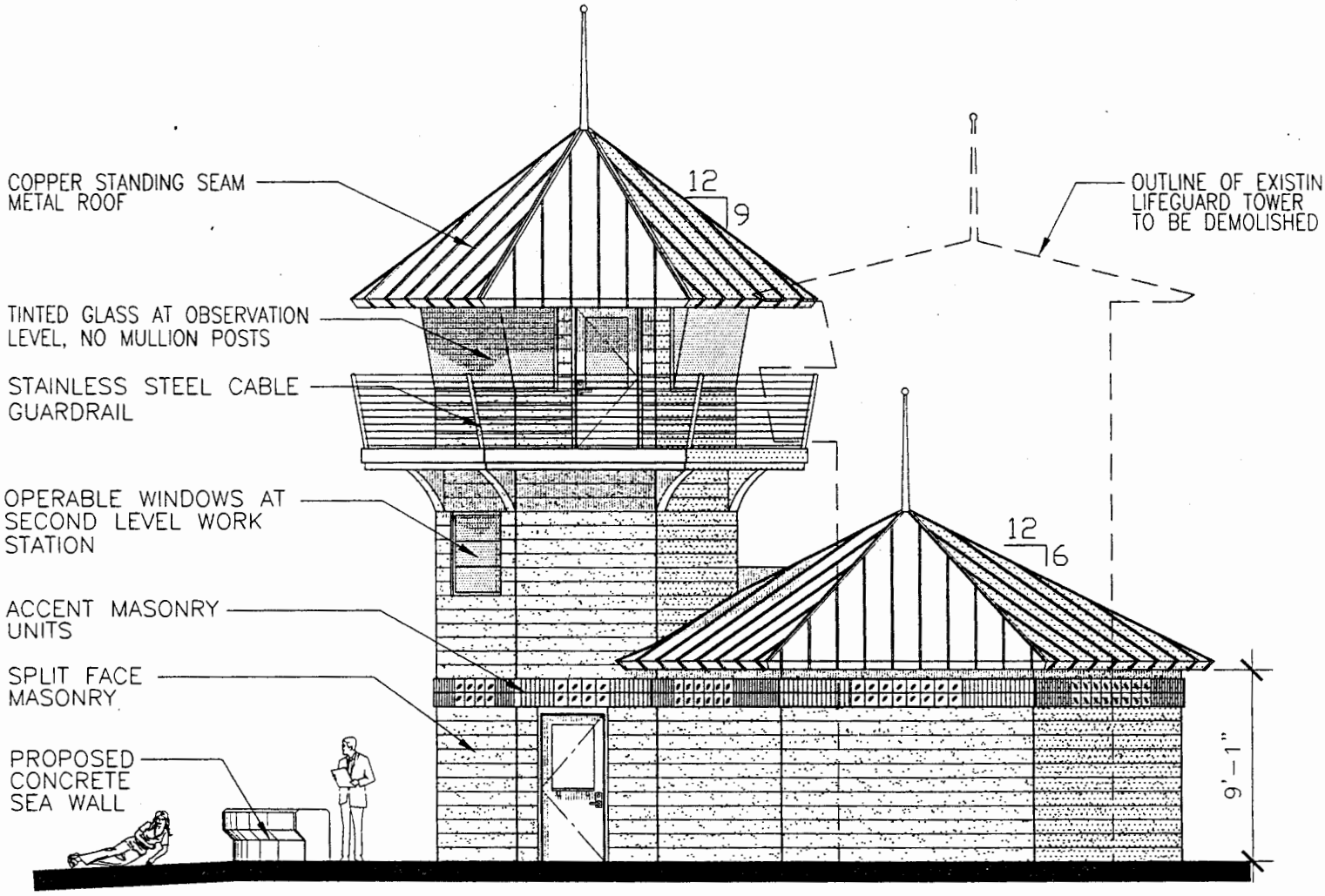


SIT

EXHIBIT NO. 3
APPLICATION NO. 6-04-140
Lifeguard Site Plan
California Coastal Commission

/ RESTROOM PROJECT

CORONADO, CALIFORNIA



EAST ELEVATION (FACING HOTEL DEL)

SCALE: 1/8" = 1'-0"

SITE 'A' - LIFEGUARD TOWER BUILDING

29 September 2004

MUN
ARC
8555 AER
SAN DI

EXHIBIT NO. 4

APPLICATION NO.
6-04-140

Lifeguard Elevation

California Coastal Commission

KEY NOTES

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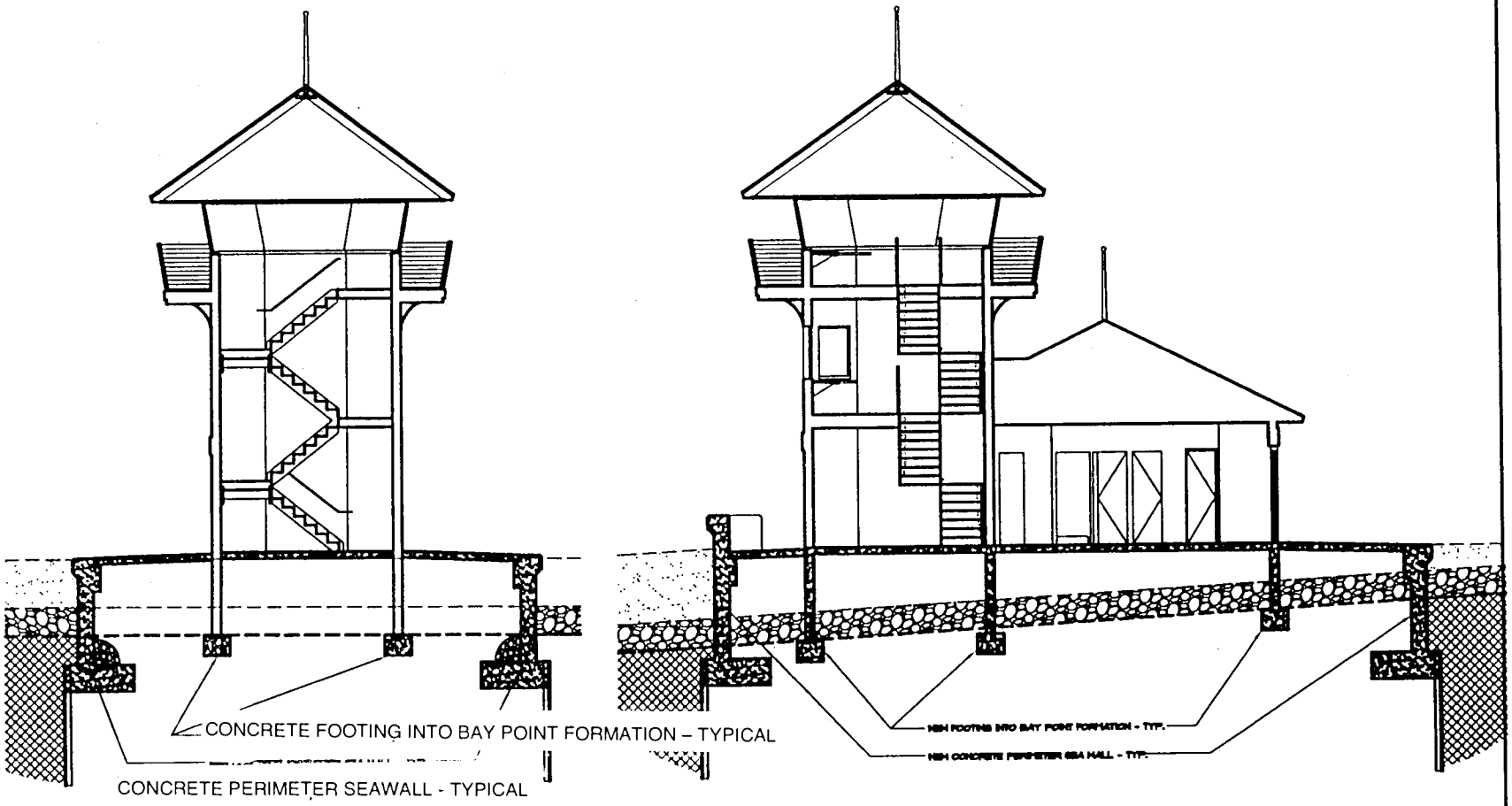


GENERAL N

L XXXXX

1 BUILDING SECTION
1/4" = 1'-0"

A BUILDING SECTION
1/4" = 1'-0"

BENCH MARK

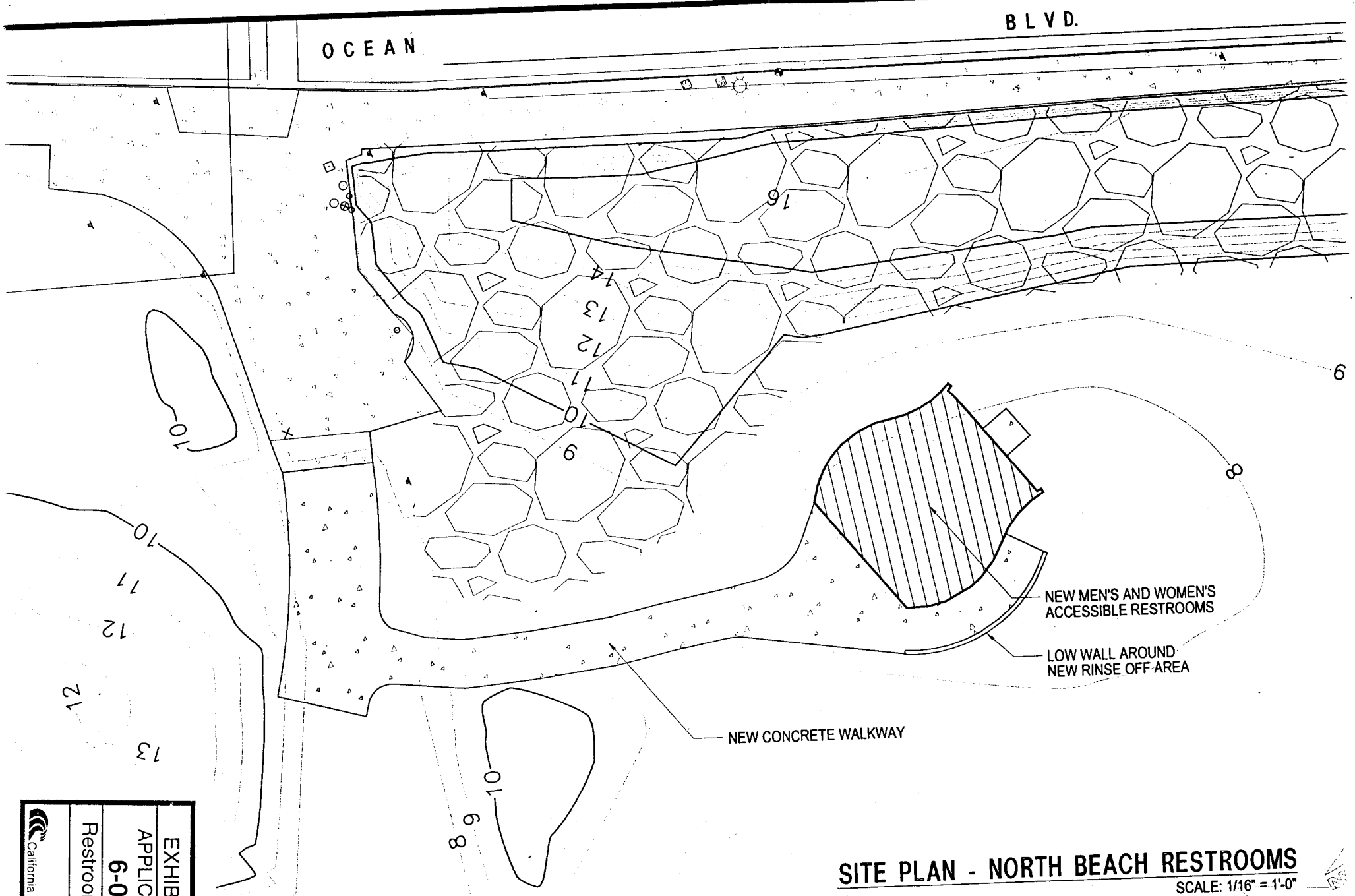
CENTRAL BEACH LIFEGUARD TOWER
CORONADO - CALIFORNIA

MUDRICK AND ORSA ARCHITECTS INC

CITY OF CORONADO, CALIFORNIA
ENGINEERING & PROJECT DEVELOPMENT DEPT.

SHEET TITLE

EXHIBIT NO. 5
APPLICATION NO.
6-04-140
Lifeguard
Cross-Sections
California Coastal Commission



SITE PLAN - NORTH BEACH RESTROOMS

SCALE: 1/16" = 1'-0"

SAFETY / RESTROOM PROJECT

CORONADO, CALIFORNIA

SITE 'C' - NORTH BEACH RESTROOMS

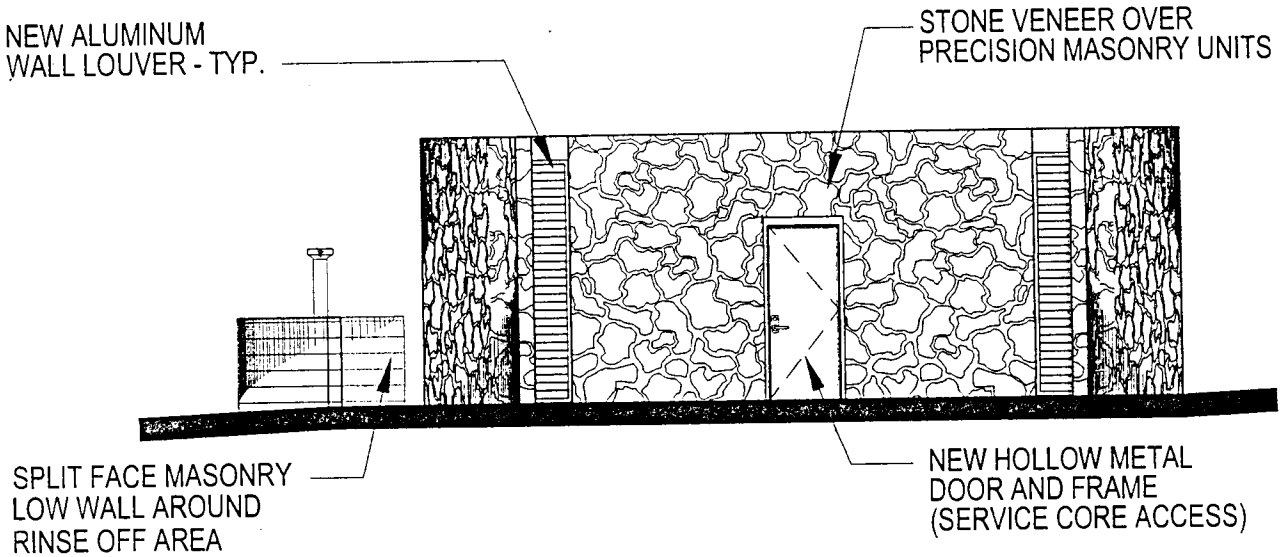
29 September 2004

EXHIBIT NO. 6

APPLICATION NO. 6-04-140

Restroom Site Plan

California Coastal Commission



WEST ELEVATION (FACING NORTH ISLAND AIR STATION)

SCALE: 1/8" = 1'-0"

SITE 'C' - NORTH BEACH RESTROOMS

29 September 2004

EXHIBIT NO. 7

APPLICATION NO.

6-04-140

Restroom Elevation

California Coastal Commission