

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



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Staff: EStevens-SD
Staff Report: December 15, 2010
Hearing Date: January 12-14, 2011

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-10-075

Applicant: City of San Diego

Description: Demolition of an existing 13 foot 10 inch-high, 1,350 sq. ft. restroom structure and construction of a new 13 foot 10 inch-high, 1,100 sq. ft. public restroom structure and shower in the same location on the public beach.

Building Coverage	1,100 sq. ft.
Pavement Coverage	1,721 sq. ft.
Ht abv fin grade	13 ft. 10 in.

Site: On the public beach fronting 5195 Brighton Avenue, Ocean Beach, San Diego, San Diego County. APN #448-22-01

Substantive File Documents: Certified City of San Diego LCP; Coastal Hazard Study for Proposed Ocean Beach Comfort Station by GeoSoils, Inc., 12/15/2010; Ocean Beach Precise Plan; Geotechnical Investigation by SCST, 10/1/2010; CDP #6-04-140

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

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

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

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

II. Standard Conditions.

See attached page.

III. 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 plans for the proposed restroom facility. The final plans shall be in substantial conformance with the plans by Kevin DeFreitas Architects submitted 10/07/10, and shall include the following notes:

- a) No advertising shall be permitted on the approved structure.
- b) Clocks, temperature displays, or other safety information may be located on the façade of the approved structure.
- 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.
- b) Access corridors shall be located in a manner that has the least impact on public access to and along the shoreline.
- 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**, 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 restroom structure. 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. 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; (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.

7. No Future Bluff or Shoreline Protective Device

- a) By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the Comfort Station approved pursuant to Coastal Development Permit No. 6-10-075 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 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 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:

A. Detailed Project Description/History. The project consists of demolition and replacement of the City of San Diego's existing Ocean Beach Comfort Station (public restroom structure) which was built in 1963. The original 1-story, 13 ft. 10 in.-high, 1,350 sq. ft. restroom structure is located on the public beach, southwest of the intersection of Spray Street and Brighton Avenue in the Ocean Beach community of the City of San Diego (see exhibit 1). The majority of the restroom structure was demolished under a City of San Diego issued emergency permit after being declared a public safety and sanitary nuisance by the San Diego City Park and Recreation Department. The few remaining walls and concrete slab foundation are proposed to be demolished as part of this application. The new 1,100 sq. ft. restroom structure would consist of a 1-story, 13 feet 10 inch-high structure, with a 1,721 sq. ft. concrete apron that would allow ADA access to the building.

The new structure will be located in approximately the same area as the original structure, approximately 200 ft. from the ocean. The footprint of the existing structure (including the building and the concrete apron) is approximately 3,368 sq. ft. The footprint of the proposed facility, including the new building and apron, would be approximately 2,821 sq. ft. (a decrease of 547 sq. ft.); thus, the proposed project will result in a decrease in impervious surfaces. Currently, water runoff sheet flows onto the beach and into the ocean. Since the existing restroom structure 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 facility is being rebuilt in the same location due to its central location on North Ocean Beach and because of the limited amount of city owned land in this area. The project site is not located in the floodplain (see exhibit 2).

The restroom structure will consist of men's and women's restroom facilities, a mechanical room, three outdoor showers, a drinking fountain, concrete walkways and apron, concrete seats, bike racks, roof-mounted solar panels and public art. Additionally, an 8 inch-thick, 42-54 inch-high curved concrete privacy screen wall around the rinse off

area would be located landward (northeast) of the building. The City has indicated that the color scheme of facility was chosen with extensive input from the community. The proposed exterior design on the building is a mix of dark blue, light blue and gray (see exhibits 3 and 4).

A geotechnical investigation was submitted that found the site is suitable for the proposed construction. Additionally, a coastal hazard study was submitted that found that the proposed development is not susceptible to shoreline erosion, wave attack, or wave induced flooding over its projected useful life of 25 years. The coastal hazard study found that the beach fronting the site is relatively stable and that there has been little change in the shoreline position over the last 3 decades. The study used a sea level rise scenario of 11 cm to 72 cm over the next 100 years and concluded that based on this range, the proposed development is safe from sea level rise related flooding during its useful life. The study found that under the most extreme circumstances, wave runup waters could potentially reach the proposed structure, but will have little, if any, velocity or force (the City of San Diego prepares an 8 foot sand annually directly west of the proposed development that will further minimize potential wave runup impacts). The study concluded that it is unlikely that shore protection, in the form of a seawall or revetment, will be necessary to protect the proposed development. The Commission's coastal engineer has also reviewed the proposed project and the submitted technical reports and concurs with its findings that the facility will not be subject to threat such that shoreline protection would be needed in the future.

Given the width of the beach at this location, the restroom facility is unlikely to be damaged by waves or storm action. 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. No seawall is proposed in associated with the Comfort Station. No toestone or riprap is proposed on the seaward side of the structure.

The City of San Diego has a fully certified Local Coastal Program (LCP) and issues its own coastal development permits. However, the project site is in an area where the Commission retains permit authority. Therefore, Chapter 3 of the Coastal Act is the standard of review.

B. Biological Resources. Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate temporary erosion controls (construction BMPs) and adequate drainage controls will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Shoreline Hazards. Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to prohibit construction of protective devices (such as a seawall) in the future; and to require that the applicant and any successor-in-interest assume the risk of undertaking the development. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

D. Community Character /Visual Quality. The proposed structure is smaller in size than the previous structure and has been sited to minimize ocean view impacts from public vista points. The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

E. Public Access/Parking. The proposed project will enhance beach access by providing new and easily accessible beach facilities that support beach activities, including additional bicycle parking and public seating. As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

F. Local Coastal Planning. The subject site is located in an area of original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Ocean Beach community.

G. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, 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.

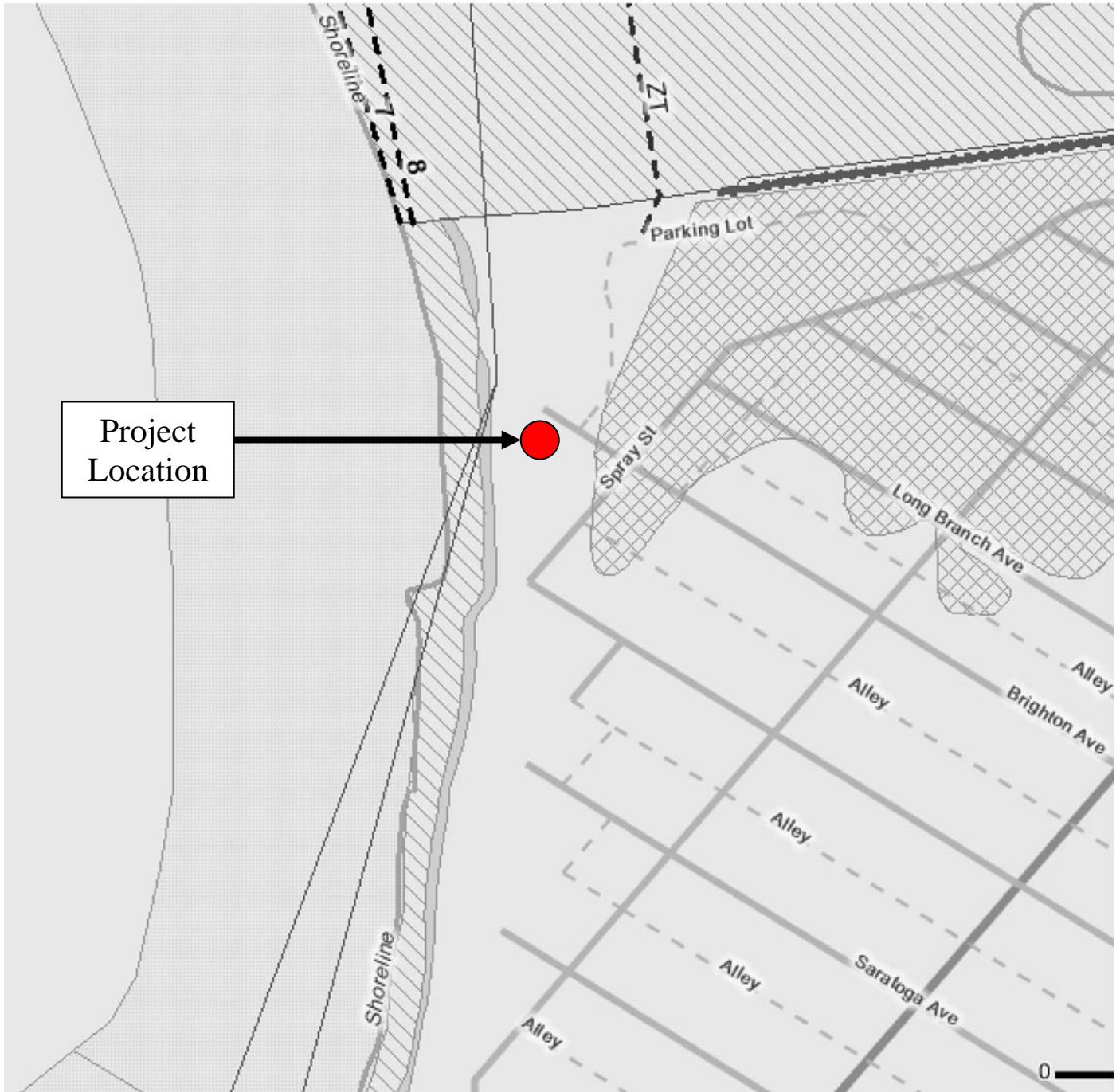
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior 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.


Project Location



EXHIBIT NO. 1
APPLICATION NO. 6-10-075
Project Location
 California Coastal Commission

Project Location/Floodplain



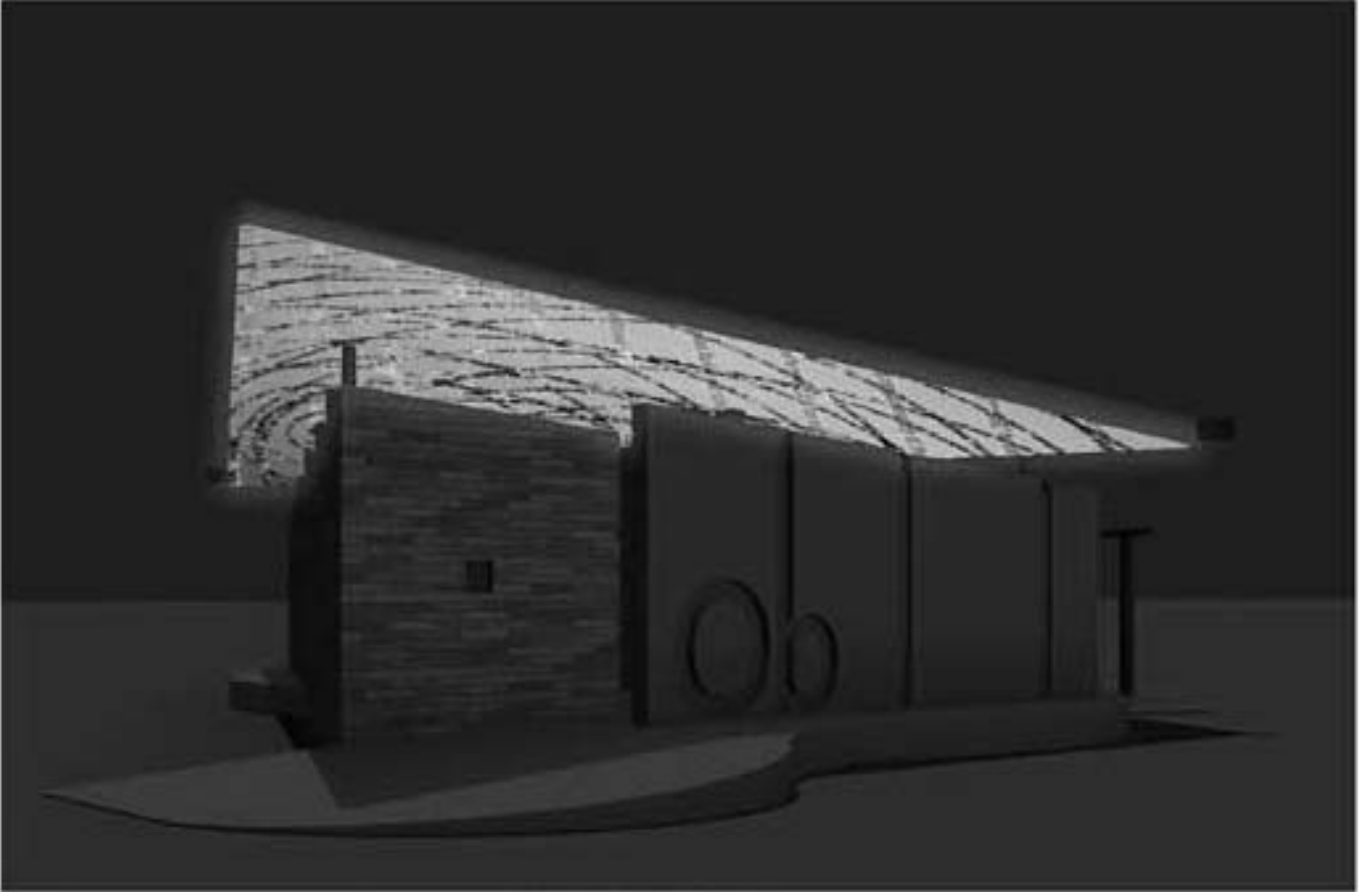
 500 Year

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EXHIBIT NO. 2
APPLICATION NO. 6-10-075
Project Location
 California Coastal Commission

Simulation



in the evening lit up with LED lights



during the day

EXHIBIT NO. 3

APPLICATION NO.

6-10-075

Simulation

Floor Plan



EXHIBIT NO. 4
APPLICATION NO. 6-10-075
Floor Plan
 California Coastal Commission