

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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original staff report

Th14a

Addendum

January 30, 2014

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item Th14a**, Coastal Commission Permit Application
No. **6-13-0752 (City of San Diego & Willis Allen)**, for the Commission
Meeting of Thursday, February 13, 2014.

Staff recommends the following changes be made to the above-referenced staff report:

1. On Page 5 of the staff report, Special Condition No. 2 will be modified as follows:
 2. **Staging, Storage, and Public Access Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT applicant shall submit to the Executive Director for review and approval a final staging and storage plan that shall not result in impacts to public access and shall include the following:
 - a. No construction work shall occur on the beach or pier between Memorial Day weekend and Labor Day of any year. However, the applicant may undertake construction during this period upon obtaining a written statement of the Executive Director authorizing construction on specified dates. To obtain such a determination, the applicant must submit information documenting that construction on the specified dates proposed will not cause adverse impacts on public access.
 - b. No public parking spaces (on or off-street) shall be used for the staging of equipment, machinery and employee parking.
 - c. Staging areas shall not be permitted on public beaches, within public beach parking lots, within the section of the pier available for public access, or in any other location that would otherwise restrict public access to the beach at any time.

- d. Immediately upon completion of construction and/or when the staging site is no longer needed, the site shall be returned to its preconstruction state.
- e. The applicant shall submit evidence that the approved staging and storage plans/notes have been incorporated into construction bid documents.

The applicant 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 change to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

- 2. On Page 12 of the staff report, the final paragraph will be modified as follows:

Another possible impact from the proposed work is the occupation of public space by staging and storage activity. Such activity could occupy public parking spaces in what is an already popular and constrained beach area. Furthermore, the beach and boardwalk is a popular visitor destination for locals and tourists alike, especially during the summer tourist season. Work during such a time could have magnified impacts on public access. However, the applicants plan to conduct the repairs in the near future so as to avoid the spring storm season, which could wear down the pier even more and interfere with repair work, and the busy summer tourist season, when beach space will be at a premium. However, because in the time since applying for this permit, Crystal Pier has experienced high surf events, and may continue to do so during the rainy season, both contributing to the damage requiring repair and delaying repair work, this permit will allow the Applicant to request from the Executive Director, for good cause, a time extension if it is clearly demonstrated that such an extension will have no adverse impacts on public access.

- 3. On Page 13 of the staff report, the second paragraph will be modified as follows:

To ensure that the applicant conducts development in a manner consistent with these findings, **Special Condition No. 2** sets staging and timing limitations to ensure that implementation of the approved development does not needlessly spill over into public areas and preclude the use of public space by the visitors to the area, and no work is permitted during the busy summer tourist season unless it is clearly demonstrated to the Executive Director that a requested time extension will have no adverse impacts on public access. Therefore, the Commission finds that all access concerns associated solely with development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

CALIFORNIA COASTAL COMMISSION

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Th14a

Filed: 9/13/13
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Staff: A. Llerandi-SD
Staff Report: 1/22/14
Hearing Date: 2/12-13/14

STAFF REPORT: REGULAR CALENDAR

Application No.: 6-13-0752

Applicant: City of San Diego & Willis Allen

Agent: Keith Merkel

Location: 4500 Ocean Boulevard, Pacific Beach, San Diego,
San Diego County (APN No. 423-021-10-00)

Project Description: Repair and replace damaged piles, caps, joists, and
bracing at Crystal Pier.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of this project, with conditions.

The proposed project raises issues of public access and water quality. Public access issues arise because the property is a public/private pier located between the first public road and the sea. Water quality issues arise because the pier is located over the sea and some of the repair work will be conducted on the beach and in the water.

Recommended conditions include requiring the applicant to adhere to final construction plans and submit as-built plans to ensure that the finished structure is constructed in a manner conforming to approved plans that limit impacts to coastal resources. Special conditions governing timing and construction access will limit the impact on public space for the proposed work. Water quality special conditions will ensure that the proposed

work and installed material will not have adverse effects on the surrounding beach area, and ocean water quality.

Commission staff recommends **approval of** coastal development permit 6-13-0752, as conditioned.

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EXHIBITS

Exhibit 1 – Location Map

Exhibit 2 – Aerial View

Exhibit 3 – Elevation

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 6-13-0752 pursuant to staff recommendation.*

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:

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

This permit is granted subject to the following 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 applicant 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 of 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. **Final Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final project and BMP plans. Said plans shall first be approved by the City of San Diego and be in substantial conformance with the plans submitted by Atkins and submitted on September 13, 2013.

The applicant 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. **Staging, Storage, and Public Access Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT applicant shall submit to the Executive Director for review and approval a final staging and storage plan that shall not result in impacts to public access and shall include the following:

- a. No construction work shall occur on the beach or pier between Memorial Day weekend and Labor Day of any year.
- b. No public parking spaces (on or off-street) shall be used for the staging of equipment, machinery and employee parking.
- c. Staging areas shall not be permitted on public beaches, within public beach parking lots, within the section of the pier available for public access, or in any other location that would otherwise restrict public access to the beach at any time.
- d. Immediately upon completion of construction and/or when the staging site is no longer needed, the site shall be returned to its preconstruction state.
- e. The applicant shall submit evidence that the approved staging and storage plans/notes have been incorporated into construction bid documents.

The applicant 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 change to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

3. **Construction Pollution Prevention Plan (CPPP).** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for the review and approval of the Executive Director, two (2) sets of a Construction Pollution

Prevention Plan (CPPP) prepared and signed by licensed engineer that, at a minimum, includes the following:

- i. Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project. Such measures shall include:
 1. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
 2. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
 3. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters or storm drains;
 4. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
 5. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
 6. If turbid conditions are generated during construction, a silt curtain will be utilized to control turbidity;
 7. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;
 8. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
 9. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
 10. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;

11. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the 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 unless the Executive Director determines that no amendment or new permit is legally required;
12. All construction materials stockpiled on site, excluding lumber, shall be covered and enclosed on all sides to ensure that the materials are not discharged to a storm drain inlet or receiving waters;
13. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. If thinners, petroleum products or solvents must be used on site, they shall be properly recycled or disposed after use and not be discharged into storm drains, sewers, receiving waters or onto the unpaved ground. ;
14. The discharge of any hazardous materials into any receiving waters shall be prohibited;
15. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures 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 designated area shall be equipped with spill control materials and located to minimize the risk of spills reaching receiving waters, storm drains, sewers or unpaved ground. ;
16. Best Management Practices (BMP's) and Good Housekeeping Practices (GHP's) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
17. All BMP's shall be maintained in a functional condition throughout the duration of construction activity.

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

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

- i. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves and 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.
 - ii. **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 include 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.
5. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 6-13-0752. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by Coastal Development Permit No. 6-13-0752. Accordingly, any future development proposals to the pier, existing rental units, or accessory structures shall require an amendment to CDP No. 6-13-0752 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
6. **As-Built Plans.** Within 60 days of completion of the project, the applicant shall submit as-built plans for the approved repair and replacement work verifying that the repairs pier structure have been completed in conformance with the approved plans for the project pursuant to Special Condition No. 1 of this permit.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/HISTORY.

The proposed project is to repair or replace damaged piles, caps, joists, and bracing at Crystal Pier an 872-foot long public/private pier at 4500 Ocean Boulevard, in the Pacific Beach Community of San Diego. Where a pile is severely deteriorated, it will be cut 6 inches above and below the damaged portion, the remaining stubs will be drilled with a threaded rod to connect the new pile section, and a fiber glass jacket with epoxy infill will be placed around the pile connection joint. Damaged caps will be repaired with new bracing, straps, and splices. Portions of the pier decking on top will be removed and replaced with new decking.

The subject Crystal Pier is supported by approximately 370 piles and includes 30 hotel/vacation rental cottages (Crystal Pier Hotel), 24 of which are located on top of Crystal Pier, and a public open-space section on the western end. Crystal Pier is currently developed with a main hotel structure including the Crystal Pier offices and 6 hotel units at the inland end of the pier. Proceeding west, the pier is developed with 24 blue and white Cape Cod style cottages all of which are available for rental by the public. Of the 24 units, 18 are pre-coastal and 6 of the units were approved by Commission-issued Coastal Development Permit (CDP) No. 6-86-725. West of the rental units the pier is developed with a bait shop. The westernmost portion of the pier is undeveloped and is used by the public regularly. As currently constructed, there are cottages along the north and south sides of the pier, and each cottage is served by parking spaces in front of the cottages and private patio area in the back of the cottages. No development is located in the central section of the pier, which serves as a public pedestrian accessway out to the western end of the pier.

The pier is 872 feet long and located at the end of Garnet Avenue in the Pacific Beach community of the City of San Diego. Crystal Pier is a highly visited and utilized pier, and is not only utilized by overnight guests, but also by tourist and locals alike for walking and fishing, and provides expansive views along the coast. The pier is bounded by highly utilized sand beach areas. There is also a boardwalk constructed inland and east of the pier that connects the subject beach community with the neighboring community of Mission Beach. There are many shops and restaurants located in the downtown district along Mission Boulevard and Garnet Street, as well as along the boardwalk.

While the pier has changed ownership a number of times since it was first constructed, the pier has maintained the current owner(s) since 1961. The co-applicant owns the inland-most 156 linear ft. of Crystal Pier in fee title; including the hotel and office structure fronting Ocean Boulevard and approximately the first ten cottages. The same co-applicant also owns the section of dry sand located below the pier and 50 feet to the north and south of the pier structure, from the bluff edge to the Mean High Tide Line (MHTL). The co-applicant leases approximately 240 linear ft. west of the section he owns from the other co-applicant, the City of San Diego, and it is currently developed with 14 rental units, the bait shop, and a storage unit. The westernmost portion of the

pier is owned, operated, and maintained by the City of San Diego as a public fishing and observation pier. This public section of the pier is accessed through the portions of the pier owned and leased by the co-applicant. The lease between the co-applicant City and the co-applicant includes a provision for a pedestrian easement along the center of the pier to provide access to the public along its entire length.

In order to facilitate public access, but maintain privacy and safety for cottage unit guests, the pier is also developed with a security gate on the east side of the pier, adjacent to the hotel and office structures. This gate limits access by the public and includes signage indicating that the public is welcome to access the pier. The gate was originally constructed prior to the Coastal Act, but a replacement gate was permitted by the Commission in 1996 (CPD No. 6-96-142) and the permitted hours for public use are 7 a.m. to sunset.

There is an extensive permit history for Crystal Pier. In 1986, the City submitted a request for the reconstruction of the City's portion of the pier (CDP No. 6-86-266) which was destroyed by winter storms in 1983. Also in 1986, the applicant submitted a request (CDP No. 6-86-725) for reconstruction and expansion of the middle (leased) section of the pier to match the width of the eastern (private) section, and construction of six new rental units in the expanded section of the pier. This request also included the relocation of the existing Bait & Tackle and Shell Shop (souvenir shop). The Commission found that the widening of the pier would result in impacts to public access/recreational opportunities and; therefore, required a lateral access easement for the sandy beach area located below the privately owned section of the pier. The approved CDP also required the applicant to include signage at the eastern entrance of the pier indicating that the public are welcome along the pier between 7 a.m. and sunset as well as the removal of signage located below the pier that included the language "private property". CDP No. 6-88-064 was administratively approved and authorized the relocation of the an existing souvenir shop from the western section of the pier to the existing hotel and office structure located in the eastern section of the pier through a 300 sq. ft. addition. CDP No. 6-94-142 authorized the demolition and reconstruction/expansion of two structures comprising the southern section of the hotel and office building. CDP No. 6-95-061 authorized a 288 sq. ft. addition to units 1 & 2 to increase these units from one bedroom/one bath to two bedrooms/two bath. There have also been two amendments approved by the Commission; one (CDP No. 6-86-725-A1), to construct a new sewer lift station and associated plumbing and the other (CDP No. 6-86-142-A1), to construct an additional private accessway to one of the second floor units located within the main hotel and office structure. Most recently, in July of 2013, the Commission approved CDP No. 6-12-002, authorizing after-the-fact demolition of two of the vacation cottages and subsequent reconstruction of two new vacation cottages while expanding the decking behind them six feet northward.

While the City has a certified LCP for the Pacific Beach community, the subject site is located in an area of Coastal Commissions original jurisdiction, and as such, the standard of review for the proposed development is Chapter 3 of the Coastal Act, with the City's LCP used as guidance.

B. PUBLIC ACCESS

The following Coastal Act policies are most pertinent to this issue, and state in part:

Section 30210 of the Coastal Act states:

In carrying out the requirement 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 public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in part:

- (a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

[...]

- (c) *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

[...]

Section 30604 of the Coastal Act states, in part:

[...]

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

The project site is Crystal Pier, a popular public/private pier located on the beach and water at the end of Garnet Street in Pacific Beach. As the proposed development will occur between the first public roadway and the sea, a public access finding must be made that such development is in conformity with the public access and public recreation policies of the Coastal Act.

Crystal Pier is a pre-coastal structure that has long served as a popular destination for visitors to either spend a night in a cottage rental over the beach/water or to simply jog, fish, or view the surrounding coastline. The pier is flanked by highly used sandy beach located next to the Pacific Beach boardwalk, a popular pedestrian thoroughfare that connects the area to neighboring communities, stores, and restaurants.

While work of various kinds has been conducted on the pier over the years, many of the structural components are decades old and either missing or seriously degraded due to time, waves, and the elements. Crystal Pier is currently still open to the public, though the deteriorating nature of its support structure means that over time the risk to the public will grow and may necessitate the full closure of the pier if repairs are not undertaken.

Implementation of the proposed repairs will be done in phases over time, and will require the closure of various portions of the pier or areas under the pier for safety and security reasons. The majority of the repair work will be occurring under the pier itself, with some work needed to be done from the pier above. At no time will the entire pier be closed, and the closures will last no longer than is necessary to implement the needed repairs. When possible, delineated corridors for the public will be erected to allow continued pass-through while work is commencing.

Another possible impact from the proposed work is the occupation of public space by staging and storage activity. Such activity could occupy public parking spaces in what is an already popular and constrained beach area. Furthermore, the beach and boardwalk is a popular visitor destination for locals and tourists alike, especially during the summer tourist season. Work during such a time could have magnified impacts on public access. However, the applicants plan to conduct the repairs in the near future so as to avoid the spring storm season, which could wear down the pier even more and interfere with repair work, and the busy summer tourist season, when beach space will be at a premium.

It is important to include here that the proposed development will improve public access/recreational opportunities. Specifically, the project will improve the structural stability and longevity of the pier by reinforcing or replacing worn components. Analysis submitted by the applicants has indicated that many components have degraded or washed away, and many portions of the pier are beginning to lean towards the ocean. The proposed repair work is necessary to ameliorate the situation and prevent it from worsening into a public safety hazard.

To ensure that the applicant conducts development in a manner consistent with these findings, **Special Condition No. 2** sets staging and timing limitation to ensure that implementation of the approved development does not needlessly spill over into public areas and preclude the use of public space by the visitors to the area, and no work is permitted during the busy summer tourist season. Therefore, the Commission finds that all access concerns associated solely with development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

C. HAZARDS

Section 30253 of the Coastal Act states, in part, that 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.*

Crystal pier is a wooden pier originally constructed in 1927. The pier extends 872 feet long and is constructed on approximately 370 pier pilings. The eastern one-third of the pier is located over sandy beach, and the western two-thirds are located over ocean waters. The existing vacation cottages are on the eastern and central portions of the pier, while the public viewing and fishing area is on the western third.

Section 30253 of the Coastal Act mandates that new development provide for geologic stability and integrity and minimize risks to life and property. Crystal Pier, like all wood piers along the California coast, is subject to a variety of hazardous conditions, including high waves and periodic fires. In addition, sea level change associated with global warming has become one of the foremost concerns for all coastal communities; structures located adjacent to or within the current MHTL, such as piers, are of particular concern.

When applying for CDP No. 6-12-002 early last year, the applicant submitted various engineering reports on the state of the pier at that time. The first report, titled "Report of Visual Investigation of Structural Elements Crystal Pier" by the engineering firm Curry Price Court and dated September 28, 2010, was updated in a letter dated February 20, 2012. The original report concluded that at the time, the pier was in serviceable

condition, while the follow-up letter in February, 2012, further concluded that there would be no significant impacts to pier stability associated with the proposed construction of the two vacation cottages. That being said, the original report did recommend a number of repairs to the pier. In total, the report found that 17 of the 370 existing pier pilings were either missing or significantly damaged. The report also indicated that there were also two deteriorated pier caps and a few broken deck joists. The Commission's engineer reviewed the Curry Price Court report at that time and recommended that all of the repairs identified by the report located within the area of the proposed development be remedied in association with the proposed vacation cottage construction.

The second concern identified associated with Crystal Pier concerns safety from future sea level rise. To address this concern, Curry Price Court also included findings in the above-mentioned February 20, 2012, letter. In the letter, the consultant found that given the location of the main level of the pier and the vacation cottages (22.5 feet above the mean lower low water (MLLW)) and considering a reasonably anticipated sea level rise, the structures, while perhaps subject to some wave splash over time in connection with extreme storm events, would be safe throughout their expected lifetime.

In this current submittal, the applicants supplied reports from the engineering firm Atkins detailing the extent and nature of repairs needed to remedy the deteriorating condition of the pier and increase public safety. Their survey and analysis calls for replacing multiple piles, joists, caps, and decking, while other portions of the pier would be reinforced with jackets and bracing. The repair work will consist of replacing various missing or severely deteriorated piles with new piles. Where a pile is severely deteriorated, it will be cut 6 inches above and below the damaged portion, the remaining stubs will be drilled with a threaded rod to connect the new pile section, and a fiber glass jacket with epoxy infill will be placed around the pile connection joint. Damaged caps not replaced will be repaired with new bracing, straps, and splices. Portions of the pier decking on top will be removed and replaced with new decking. The Commission's staff coastal engineer reviewed the proposed work and did not raise issue with its necessity or geological impact. The proposed work represents repair and replacement only, and will not constitute an expansion of the pier or its support structure.

Special Condition No. 1 requires the applicant to adhere to final plans that are in substantial conformance with the plans approved by the Commission as part of this application submittal to further ensure that public access is not affected. **Special Condition No. 5** makes it clear that only the repair work described in and approved by this permit is permitted, and should other development need to be undertaken, it will first require either an amendment to this permit or a new permit. **Special Condition No. 6** requires the applicant to submit as-built plans shortly after completion of the proposed development to ensure that the work in such a popular beach area was conducted within the Commission-approved parameters. **Special Condition No. 4** requires the applicants to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. Thus, with the repairs as proposed, the existing pier will provide adequate safety from these hazards both in its current state

and throughout its expected life, while this permit, as conditioned, can be found consistent with 30253 of the Coastal Act.

D. WATER QUALITY

Section 30230 of the Coastal Act states:

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 of the Coastal Act states:

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 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. In addition, Section 30231 requires that the biological productivity and quality of coastal waters be maintained. The proposed project includes repair and replacing various segments of the pier over both sandy beach and open water, with work occurring both above and under the water.

The proposed project may result in potential adverse effects to surrounding water quality due to disturbance from construction equipment, materials, and/or debris. Construction activities associated with the proposed project could result in the generation of debris and/or presence of equipment, materials, and hazardous substances such as lubricants or oil that could be subject to run-off and wind dispersion into the marine environment. The presence of construction equipment, building materials, and debris on the subject site could pose water impacts through introduction of particulates and pollutants if construction site materials were discharged into the marine environment or left inappropriately on the project site. In addition, such potential discharges and disturbances to the marine environment could result in adverse effects to offshore habitat from increased turbidity of coastal waters. The proposed work will require use of pick-up trucks, rubber-tired and tracked equipment on the beach, while demolishing material both above and below the water. Divers will remove sand from around the footings of damaged piles, remove the damaged portions, and replace them with new piles wrapped

in fiberglass jackets before re-burying them. The Commission's staff water quality specialist reviewed the construction information regarding the proposed work and has suggested various BMPs be employed to minimize impacts to water quality.

To protect marine resources and coastal water quality and to ensure that construction related adverse effects to the marine environment are minimized, **Special Condition No. 3** requires the applicant to incorporate and comply with a multi-faceted pollution prevention plan for the duration of the proposed work to ensure that impacts to the beach's water quality are minimized. Required measures to protect water quality include, but are not limited to, prohibition on storage of equipment or materials where it would be subject to wave action, prompt removal of all debris, implementation of BMPs to capture and filter any runoff, and moving all maintenance and fueling work away from the beach and water.

In conclusion, the proposed development raises concerns regarding water quality impacts associated with construction activities. As conditioned, these potential impacts have been minimized and, therefore, the project be found consistent with Sections 30230 and 30231 of the Coastal Act.

F. LOCAL COASTAL PLANNING

The City of San Diego has a certified Local Coastal Program (LCP) for the Pacific Beach community. However, 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, with the LCP used as guidance. As conditioned, the proposed development is consistent with certified LCP and all applicable Chapter 3 policies of the Coastal Act. Therefore, 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 Pacific Beach community.

G. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The City of San Diego is the lead agency for purposes of CEQA review for this project, and the Coastal Commission is a responsible agency. Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

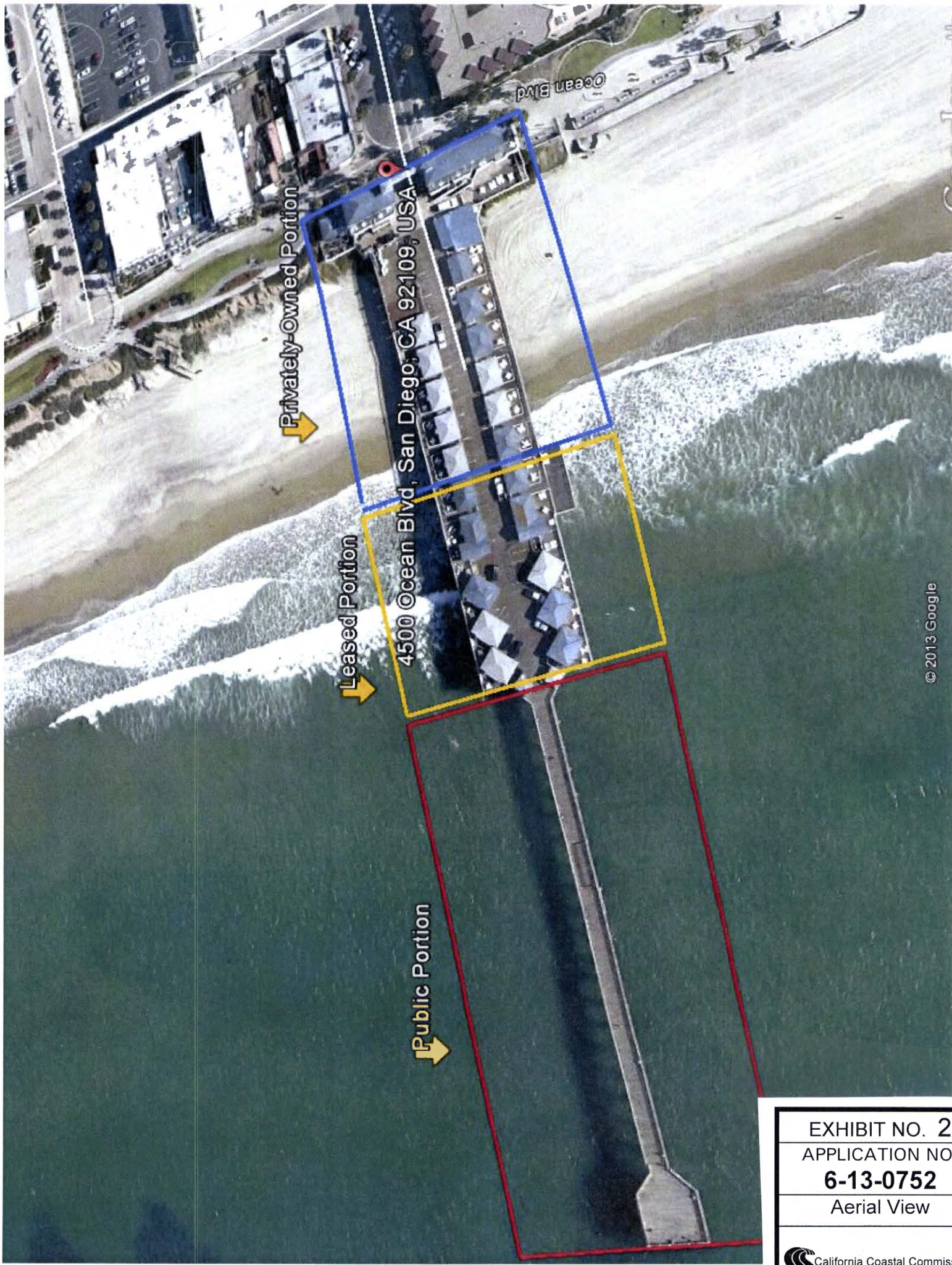
The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing final plans, staging and timing, and water quality, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible

mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

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EXHIBIT NO. 1
APPLICATION NO.
6-13-0752
Location Map



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EXHIBIT NO. 2
APPLICATION NO.
6-13-0752
Aerial View

