

**CALIFORNIA COASTAL COMMISSION**

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# Th21b

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 6-18-0648

**Applicant:** CA Dept. of Parks and Recreation

**Agent:** Monica Stupaczuk

**Location:** 12600 North Torrey Pines Road, Torrey Pines, San Diego, San Diego County (APN: 301-130-01)

**Project Description:** Demolish existing restroom facility and replace with two new modular restroom facilities and picnic sites, restripe existing parking to add accessible parking spaces, and regrade pedestrian access routes.

**Staff Recommendation:** Approval with Conditions

## SUMMARY OF STAFF RECOMMENDATION

As part of a statewide initiative, the California Department of Parks and Recreation (State Parks) is implementing accessibility improvements at multiple park units to bring facilities in conformance with the latest requirements of the federal Americans with Disabilities Act (ADA). Specific to Torrey Pines State Beach, the approximately 500-parking space, 6-acre North Beach Parking Lot is serviced by a comfort station area in its southwest corner, consisting of a one-story, 872 square foot bathroom structure, outdoor shower and drinking fountain, benches, landscaping, and sidewalk crossing under North Torrey Pines Road toward the beach, and it is this area that will be demolished and rebuilt by State Parks, along with restriping adjacent parking spaces to consolidate disabled parking next to the comfort station.

The new comfort station area will enhance the accessibility of Torrey Pines State Beach for a greater range of coastal visitors, and will improve a decades-old amenity by bringing it up to current standards. However, the location of the comfort station within a popular park and adjacent to coastal waters and wetland habitat creates the risk that the construction and operation of the comfort station could adversely impact public access, sensitive habitat, and water quality.

Construction of the comfort station will take approximately four months and require closure of approximately thirty-one parking spaces for that time, as well as prevent access from the parking lot to the pedestrian underpass under North Torrey Pines Road for the duration of construction. The construction will require the use of several pieces of heavy equipment including bulldozer, excavator, dump trucks, and cement trucks. Due to the location within twenty feet of coastal waters and construction proposed to occur during the rainy season, the staging, storage, and use of the construction equipment could engender water quality impacts from site runoff or debris spill. Construction activity is also proposed to occur during bird breeding season, and thus could cause noise impacts that adversely affect sensitive status species that are known to occur in the adjacent lagoon area, such as the Belding's savannah sparrow and light-footed Ridgeway's rail.

While the new comfort station will represent an upgraded amenity to serve coastal visitors, its operation may create impacts to nearby water quality and sensitive habitat. Runoff from the finished comfort station could enter coastal waters, carrying trash and particulates from the restroom and picnic areas into the lagoon. The installation of picnic areas could invite the presence of nuisance animals such as crows, ravens, sea gulls, squirrels, and ants, which can also prey on or harass sensitive species in the vicinity.

Furthermore, the North Beach Parking Lot, and Torrey Pines State Beach as a whole, is located on historic tidelands within a lagoon estuary. As such, the park is within a mapped flood plain that experiences periodic flood events, and pursuant to the Commission's Sea Level Rise Policy Guidance, flooding risk and wave actions are expected to further impact the park area over the 50-year economic life of the proposed comfort station, with a worst case scenario of approximately nineteen inches of flooding by 2068.

Recognizing the risk of these potential impacts, State Parks and the Commission have worked to identify measures that avoid or mitigate adverse impacts. The four-month construction schedule for the comfort station will occur before the busy summer season, and the parking spaces occupied for staging represent only six percent of the available 500-space supply. While the closure of access between the parking lot and the adjacent pedestrian underpass for four months will temporarily impact beach access, the presence of another pedestrian path at the north end of the lot and nearby pedestrian paths off North Torrey Pines Road will still provide sufficient ability for the public to reach the beach.

To address impacts to adjacent habitat, State Parks will implement an Integrated Pest Management (IPM) Plan to incorporate animal-proof trash receptacle and public signage to discourage animal feeding to reduce the presence of nuisance animals. Biological surveys during construction will identify the presence of any active sensitive species nests and implement proper buffering and noise reduction measures to minimize flushing and

harassment. Construction and post-development Best Management Practices (BMP) will direct comfort station runoff away from the wetlands and into existing storm water systems in the parking lot.

Recognizing the vulnerable nature of the project site, the comfort station is located on the highest part of the parking lot, and the new restroom facilities are pre-constructed modular buildings that will be delivered to the project site and installed in place. As such, even with expected sea level rise, the western portion of the parking lot containing the comfort station is not expected to be inundated, though because it may still receive wave action during extreme tidal events, the buildings are of a design that can be relocated elsewhere relatively easily.

To ensure that the new comfort station is built to approved plans and that construction does not encroach in additional parking or habitat area, **Special Condition No. 1** requires that final project plans and final construction staging and storage plans be submitted for review and acceptance by the Executive Director. **Special Condition No. 1** also requires the submittal of a final IPM plan to address any nuisance animals. **Special Condition Nos. 2 and 3** address construction and post-development BMPs, respectively, detailing the measures that will need to be included in the final plans to best address debris, runoff, erosion, and maintenance. **Special Condition No. 4** requires the sensitive species monitoring to be conducted during construction to identify any active nests and take action accordingly. **Special Condition No. 5** requires State Parks to acknowledge and accept the risk of the project sites location in a floodplain adjacent to the lagoon mouth, while **Special Condition No. 6** prohibits any future shoreline protection, as these are ancillary structures that can be easily relocated rather than armored. Because Torrey Pines State Beach experiences high visitation in the summer months and construction activity could block access to the beach, **Special Condition No. 7** prohibits development activity from Memorial Day Weekend to Labor Day of any year.

Commission staff recommends **approval** of coastal development permit application 6-18-0648, as conditioned.

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### EXHIBITS

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## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-18-0648 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit 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 coastal development permit 6-18-0648 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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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 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 of 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.

### **III. SPECIAL CONDITIONS**

This permit is granted subject to the following special conditions:

#### **1. Submittal of Final Plans.**

- a) **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of the following final plans:
  - i. Final construction plans in substantial conformance with the plans submitted to the Commission on June 27, 2018, titled “Torrey Pines SD Accessibility Improvements” and dated May 30, 2018. The final construction plans shall, to the greatest extent feasible, maintain pedestrian access between the north parking lot and the adjacent underpass or, if maintaining pedestrian access is not feasible, then restore pedestrian access as early as construction conditions allow;
  - ii. Final construction staging and storage plans in substantial conformance with the plans submitted to the Commission on November 8, 2018; and
  - iii. Final Integrated Pest Management Plan (IPM) in substantial conformance with the plan submitted to the Commission on June 27, 2018.
- b) The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

#### **2. Construction Pollution Prevention Plan.**

**PRIOR TO CONSTRUCTION**, the applicant shall submit, for the review and written approval of the Executive Director, a final Construction and Pollution Prevention Plan prepared and certified by a qualified licensed professional. The final Plan shall demonstrate that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a

structure; and creation or replacement of impervious surfaces, complies with the following requirements:

- a) **Beach Protection.** Construction shall protect all beach and sand areas, including by:
  - i. Staging and storage of construction equipment and materials (including debris) shall not take place on the beach or intertidal areas. Staging and storage of construction equipment and materials shall occur in inland areas at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible. Upon a showing of infeasibility, the applicant may submit a request for review and written approval to the Executive Director for staging and storage of construction equipment and materials closer than 50 feet from coastal water, drainage courses, and storm drain inlets. Construction is prohibited outside of the defined construction, staging, and storage areas.
  - ii. All construction methods to be used, including all methods to keep the construction areas separated from public recreational use areas (e.g., using unobtrusive fencing or equivalent measures to delineate construction areas), shall be clearly identified on the construction site map and described in the narrative description (see subsection (h) of this Special Condition).
  - iii. All beaches, beach access points, and other recreational use areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.
  - iv. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- b) **Property Owner Consent.** The Construction and Pollution Prevention Plan shall be submitted with evidence indicating that the owners of any properties on which construction activities are to take place, including properties to be crossed in accessing the site, consent to use of their properties.
- c) **Minimize Erosion and Sediment Discharge.** During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:

- i. Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.
  - ii. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.
  - iii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.
  - iv. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area.
  - v. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) that will be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.
- d) **Minimize Discharge of Construction Pollutants.** The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:
- i. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:
    - A. Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.
    - B. Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and

leaks; and maintaining an inventory of products and chemicals used on site.

- C. Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.
- D. Prompt removal of all construction debris from the beach.
- E. Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.

2. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall not take place on the beach, and shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

- e) **Minimize Other Impacts of Construction Activities.** Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:
  - i. The damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction shall be minimized, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.
  - ii. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.
  - iii. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.
- f) **Construction In, Over, or Adjacent to Coastal Waters and Habitat.** Construction taking place in, over, or adjacent to coastal waters and

habitat shall protect the coastal waters and habitat by implementing additional BMPs, including:

- i. No construction equipment or materials (including debris) shall be allowed at any time in the intertidal zone.
- ii. Construction activity shall not be conducted below the mean high tide line, unless tidal waters have receded and the area is part of the authorized work area.
- iii. All work shall take place during daylight hours, and lighting of the beach and ocean area is prohibited.
- iv. All construction equipment and materials placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction equipment and materials shall be removed in their entirety from the beach area by sunset each day that work occurs. The only exceptions shall be for erosion and sediment controls and/or construction area boundary fencing, where such controls and/or fencing are placed as close to the base of the seawall/bluff as possible, and are minimized in their extent.
- v. Tarps or other devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters.
- vi. All erosion and sediment controls shall be in place prior to the commencement of construction, as well as at the end of each workday. At a minimum, if grading is taking place, sediment control BMPs shall be installed at the perimeter of the construction site to prevent construction-related sediment and debris from entering the ocean, waterways, natural drainage swales, and the storm drain system, or from being deposited on the beach.
- vii. Only rubber-tired construction vehicles shall be allowed on the beach; the only exception shall be that tracked vehicles may be used if the Executive Director agrees that they are required to safely carry out construction. When transiting on the beach, all construction vehicles shall remain as high on the upper beach as possible, and shall avoid contact with ocean waters and intertidal areas.
- viii. All debris resulting from construction activities shall be removed from the beach immediately.
- ix. If preservative-treated wood is used, appropriate BMPs shall be implemented that meet industry standards for the selection, storage, and construction practices for use of preservative-treated wood in

aquatic environments; at a minimum, those standards identified by the Western Wood Preservers Institute, et al. in *Treated Wood in Aquatic Environments: A Specification and Environmental Guide to Selecting, Installing and Managing Wood Preservation Systems in Aquatic and Wetland Environments* (2012) or current revision thereof (<http://www.wwpinstitute.org/documents/TWinAquaticEnvironments-withLinks12.20.12.pdf>). The preservative-treated wood shall be certified by a third party inspection program, as indicated by the presence of a BMP Quality Mark or Certificate of Compliance, to have been produced in accordance with industry BMP standards designed to minimize adverse impacts in aquatic environments.

- g) **Manage Construction-Phase BMPs.** Appropriate protocols shall be implemented to manage all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training), to protect coastal water quality.
- h) **Construction Site Map and Narrative Description.** The Construction and Pollution Prevention Plan shall include a construction site map and a narrative description addressing, at a minimum, the following required components:
  - i. A map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).
  - ii. A description of the BMPs that will be implemented to minimize land disturbance activities, minimize the project footprint, minimize soil compaction, and minimize damage or removal of non-invasive vegetation. Include a construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.
  - iii. A description of the BMPs that will be implemented to minimize erosion and sedimentation, control runoff and minimize the discharge of other pollutants resulting from construction activities. Include calculations that demonstrate proper sizing of BMPs.
  - iv. A description and schedule for the management of all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training). Identify any temporary BMPs that will be converted to permanent post-development BMPs.
- i) **Construction Site Documents.** The Construction and Pollution Prevention Plan shall specify that copies of the signed CDP and the approved Construction and Pollution Prevention Plan be maintained in a conspicuous location at the construction job site at all times, and be

available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction and Pollution Prevention Plan, and the public review requirements applicable to them, prior to commencement of construction.

- j) **Construction Coordinator.** The Construction and Pollution Prevention Plan shall specify that a construction coordinator be designated who may be contacted during construction should questions or emergencies arise regarding the construction. The coordinator's contact information (including, at a minimum, a telephone number available 24 hours a day for the duration of construction) shall be conspicuously posted at the job site and readily visible from public viewing areas, indicating that the coordinator should be contacted in the case of questions or emergencies. The coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

The permittee shall undertake development in accordance with the approved Construction-Phase Pollution Prevention Plan, unless the Commission amends this permit or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.

3. **Post-Development Runoff Plan.**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and written approval of the Executive Director, a final Post-Development Runoff Plan. The final Post-Development Runoff Plan shall demonstrate that the project complies with the following requirements:

- a) **Low Impact Development Strategies.** The project shall comply with the following Low Impact Development standards:
- i. Minimize disturbance of coastal waters and natural drainage features such as stream corridors, rivers, wetlands, natural drainage patterns, drainage swales, groundwater recharge areas, floodplains, and topographical depressions.
  - ii. Minimize removal of native vegetation, and plant additional non-invasive vegetation, particularly native plants that provide water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control.

- iii. Maintain or enhance appropriate on-site infiltration of runoff to the greatest extent feasible. Use strategies such as avoiding building impervious surfaces on highly permeable soils; amending soil if needed to enhance infiltration; and installing an infiltration Best Management Practice (BMP) (e.g., a vegetated swale, rain garden, or bio retention system).
  - iv. Minimize the addition of impervious surfaces, and where feasible increase the area of pervious surfaces in re-development. Use strategies such as minimizing the footprint of buildings; minimizing the footprint of impervious pavement; and installing a permeable pavement system where pavement is required.
  - v. Disconnect impervious surface areas from the storm drain system, by interposing permeable areas between impervious surfaces and the storm drain system. Design curbs, berms, and similar structures to avoid isolation of vegetative landscaping and other permeable areas, and allow runoff to flow from impervious pavement to permeable areas for infiltration. Use strategies such as directing roof-top runoff into permeable landscaped areas; directing runoff from impervious pavement into distributed permeable areas (e.g., turf, medians, or parking islands); installing a vegetated swale or filter strip to intercept runoff sheet flow from impervious surfaces; and installing a rain barrel or cistern to capture and store roof-top runoff for later use in on-site irrigation.
  - vi. Where on-site infiltration is not appropriate or feasible, use alternative BMPs to minimize post-development changes in runoff flows, such as installing an evapotranspiration BMP that does not infiltrate into the ground but uses evapotranspiration to reduce runoff (e.g., a vegetated “green roof,” flow-through planter, or retention pond); directing runoff to an off-site infiltration facility; or implementing BMPs to reduce runoff volume, velocity, and flow rate before directing runoff to the storm drain system.
- b) **Implement Source Control BMPs.** Appropriate and feasible long-term Source Control BMPs, which may be structural features or operational practices, shall be implemented to minimize the transport of pollutants in runoff from the development by controlling pollutant sources and keeping pollutants segregated from runoff. Use strategies such as covering outdoor storage areas; using efficient irrigation; proper application and clean-up of potentially harmful chemicals and fertilizers; and proper disposal of waste.
- c) **Avoid Adverse Impacts from Stormwater and Dry Weather Discharges.** The adverse impacts of discharging stormwater or dry weather runoff flows to coastal waters, intertidal areas, beaches, bluffs, or

stream banks shall be avoided, to the extent feasible. The project shall comply with the following requirements:

- i. New coastal bluff outfalls discharging stormwater or dry weather runoff shall be prohibited, and runoff shall be directed inland to the storm drain system or to an existing outfall. If no storm drain system or existing outfall is present, blufftop runoff shall be directed to an existing drainage channel. Runoff shall not sheet flow over the coastal blufftop, and may not be directed to the beach or the ocean.
  - ii. Runoff shall be conveyed off-site or to drainage systems in a non-erosive manner. If runoff flows to a natural stream channel or drainage course, determine whether the added volume of runoff is large enough to trigger erosion.
  - iii. Protective measures shall be used to prevent erosion from concentrated runoff flows at stormwater outlets (including outlets of pipes, drains, culverts, ditches, swales, or channels), if the discharge velocity will be sufficient to potentially cause erosion. The type of measures selected for outlet erosion prevention shall be prioritized in the following order, depending on the characteristics of the site and the discharge velocity: (1) vegetative bioengineered measures (such as plant wattles); (2) a hardened structure consisting of loose materials (such as a rip-rap apron or rock slope protection); or (3) a fixed energy dissipation structure (such as a concrete apron, grouted rip-rap, or baffles).
- d) **Manage BMPs for the Life of the Development.** Appropriate protocols shall be implemented to manage BMPs (including ongoing operation, maintenance, inspection, and training) to keep the water quality provisions effective for the life of the development.
- e) **Site Plan and Narrative Description.** The Post-Development Runoff Plan shall include a site plan and a narrative description addressing, at a minimum, the following required components:
- i. A site plan, drawn to scale, showing the property boundaries, building footprint, runoff flow directions, relevant drainage features, structural BMPs, impervious surfaces, permeable pavements, and landscaped areas.
  - ii. Identification of pollutants potentially generated by the proposed development that could be transported off the site by runoff.
  - iii. An estimate of the proposed changes in (1) impervious surface areas on the site, including pre-project and post-project impervious coverage area and the percentage of the property covered by

impervious surfaces; (2) the amount of impervious areas that drain directly into the storm drain system without first flowing across permeable areas; and (3) site coverage with permeable or semi-permeable pavements.

- iv. A description of the BMPs that will be implemented, and the Low Impact Development approach to stormwater management that will be used. Include a schedule for installation or implementation of all post-development BMPs.
- v. A description and schedule for the ongoing management of all post-development BMPs (including operation, maintenance, inspection, and training) that will be performed for the life of the development, if required for the BMPs to function properly.

The permittee shall undertake development in accordance with the approved Post-Development Runoff Plan, unless the Commission amends this permit or the Executive Director determines issues a written determination that no amendment is legally required for any proposed minor deviations.

4. **Sensitive Species Monitoring.**

**PRIOR TO ANY CONSTRUCTION ACTIVITIES** during Belding Savannah sparrow, light-footed Ridgeway's rail, Western snowy plover, gnatcatcher, and California least tern nesting or breeding season of any year (February 15<sup>th</sup> – September 15<sup>th</sup>), a qualified biologist shall conduct a survey within 500 feet of the project site for active nests no more than seventy-two hours prior to any scheduled development. If an active nest is located, then a qualified biologist shall monitor the nest daily until project activities are no longer occurring within 300 feet of the nest or within 500 feet of active birds, or until the young have fledged and are independent of the adults or the nest is otherwise abandoned. The monitoring biologist shall halt construction activities if he or she determines that the construction activities may be disturbing or disrupting the nesting activities. The monitoring biologist shall make practicable recommendations to reduce the noise or disturbance in the vicinity of the active nests or birds. This may include recommendations such as (1) turning off vehicle engines and other equipment whenever possible to reduce noise, and (2) working in other areas until the young have fledged. The monitoring biologist shall review and verify compliance with these avoidance boundaries and shall verify that the nesting effort has finished in a written report. Unrestricted construction activities may resume when no other active nests are found. The results of the site survey and any follow-up construction avoidance measures shall be documented by the monitoring biologist and submitted to the San Diego District office of the California Coastal Commission.

5. **Assumption of Risk, Waiver of Liability and Indemnity.**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding, landslide, bluff retreat, erosion, and earth movement, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee 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.

**6. 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 development approved pursuant to Coastal Development Permit No. 6-18-0648, including, but not limited to the comfort station and parking area, including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. 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 applicable law.
- B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the permittee shall remove the development authorized by this Permit, including the comfort station, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above, or if any public agency requires the structures to be removed. The permittee shall obtain a coastal development permit for removal of approved development unless the Executive Director provides a written determination that no coastal development permit is legally required.

**7. Timing of Development**

- A. No construction shall take place for the project from Memorial Day Weekend to Labor Day of any year unless documentation is provided of unavoidable extenuating circumstances (such as tidal issues, excessive delays due to severe weather, or other environmental concerns) and the Executive Director provides written authorization for such work.
- B. Should construction extend into the period from Memorial Day Weekend to Labor Day, the applicant shall configure the project site to provide pedestrian access between the North Beach Parking Lot and the adjacent underpass either through or adjacent to the project site.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION**

As part of a statewide initiative, the California Department of Parks and Recreation (State Parks) is implementing accessibility improvements at multiple park units to bring facilities in conformance with the latest requirements of the federal Americans with Disabilities Act (ADA). At Torrey Pines State Beach, the approximately 500-parking space, 6-acre North Beach Parking Lot is serviced by a comfort station area in its southwest corner, consisting of a one-story, 872 square foot bathroom structure, outdoor shower and drinking fountain, benches, landscaping, and sidewalk crossing under North Torrey Pines Road toward the beach.

State Parks is proposing, over the course of four months, to demolish the entire existing comfort station area in order to install two new 321 square foot pre-fabricated restroom structures, a redesigned outdoor shower and drinking fountain, a bench with beach wheelchair dock, two 590 square foot and 628 square foot picnic areas, and to regrade the sidewalk area around the restroom to current ADA standards. State Parks also proposes to restripe the southwest parking lot area to consolidate some of the ADA parking supply next to the comfort station, which will also increase overall parking supply by three spaces. The project area consists of approximately 1.06-acres of the North Beach Parking Lot. [\[Exhibit 3\]](#)

Torrey Pines State Beach is a unit of State Parks' San Diego Coast District, located in northern San Diego along North Torrey Pines Road in the Torrey Pines community, between the community of La Jolla to the south and the city of Del Mar to the north. Torrey Pines State Beach consists of two segments: the coastal beach area with related facilities adjacent to the Los Peñasquitos Lagoon – a salt marsh estuary – and the inland Torrey Pines State Natural Reserve encompassing the estuary itself and nearby bluffs and canyons.

The majority of vehicular visitors to Torrey Pines State Beach are served by two parking lots: the approximately 250-space South Beach Parking Lot between North Torrey Pines Road and the Pacific Ocean, and the North Beach Parking Lot north of the lagoon mouth, between North Torrey Pines Road and Carmel Valley Road.

The City of San Diego has a fully certified Local Coastal Program (LCP) and issues its own coastal development permits in most areas of its coastal zone. The subject site, however, is located on filled tidelands and remains in the Coastal Commission's area of original jurisdiction. Thus, the Chapter 3 policies of the Coastal Act are the standard of review.

### **B. PUBLIC ACCESS**

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).*

Torrey Pines State Beach is one of the most visited coastal segments in the City of San Diego due to its accessible location, natural amenities, views, and hiking opportunities. The North Beach Parking Lot is an approximately 500-space triangular fee parking lot that is accessed by vehicles off Carmel Valley Road. From the parking lot, beach access is available from an approximately 110-foot long sidewalk underpass along the north bank of the lagoon mouth under North Torrey Pines Road, in the southwest corner of the parking lot, and by an approximately 700-foot long pedestrian path under North Torrey Pines Road from the northern tip of the lot.

The North Beach Parking Lot was constructed in the late 1960's, and due to its age and role in providing direct access to the beach, State Parks plans to make the facilities located therein more accessible to a wider range of coastal visitors, in line with current federal standards. The new modular bathroom facilities will have stalls, sinks, and hand dryers more accessible to visitors utilizing wheelchairs, while the outdoor shower and drinking fountain will be replaced with more accessibly-designed models. The existing bench will be replaced with a bench containing a dock for a beach wheelchair that will be able to take a less-mobile visitor out onto the sandy beach. Two existing landscape areas will be replaced with picnic tables to provide more opportunities for visitors rest and eat during their visit.

The North Beach Parking Lot currently contains several disabled parking spaces scattered throughout. To increase their utility, State Parks will restripe the southwest portion of the parking lot to consolidate eleven disabled spaces (eight standard spaces, three van spaces) in the southwest corner of the parking lot – immediately adjacent to the comfort station – and will regrade the access paths and curb cuts from those spaces to the comfort station. A third parking payment station will be installed adjacent to the spaces to decrease the amount of distance visitors utilizing the spaces will need to cover. Thus, the proposed upgrades will enhance the access opportunities for visitors to this very popular coastal destination.

It is important to note that the underpass ramp as it currently exists does not provide ADA compliant access to the sandy beach, as it terminates in an abrupt drop of one-to-three feet to the sand level, depending on the time of year and wave conditions. The subject project will not address the ramp. This end of the ramp is outside of State Parks jurisdiction and is within a City of San Diego easement. The Commission approved a coastal development permit amendment for the City of San Diego to regrade the underpass to ADA-compliant grades and install a concrete ramp where the drop-off exists, but to date the City has not implemented the improvement (CDP No. 6-01-172-A1). State Parks has coordinated with the City to ensure that the proposed comfort station improvements are compatible with the City's approved project plans when and if the City moves forward to improve the underpass.

However, while the permanent upgrades to the comfort station and parking lot will enhance accessibility, the construction process of the new comfort station has the potential to raise its own public access issues. State Parks anticipates that construction will last approximately four months, and plans to construct the improvements between January and April of 2019, finishing before the busy summer months. During the closure, State Parks will place temporary bathroom facilities for visitors to use. However, because the comfort station area is constrained between the lagoon mouth and the elevated North Torrey Pines Road, much of the construction staging and storage will need to occur at the existing comfort station and in some of the parking area.

Specifically, thirty-one parking spaces will need to be occupied during the whole four month duration of the construction. Additionally, because the new ADA spaces represent a consolidation of existing ADA spaces, an additional forty-four spaces will need to be closed while those existing ADA spaces and adjacent spaces are restriped back to regular spaces. However, those forty-four spaces will only be closed for a week, and the thirty-one spaces that will be closed for the duration of construction only represent six percent of the 500-space parking supply in the North Beach Parking Lot. State Parks has researched the parking history and historical aerials and found that during the non-summer off-season, the North Beach Parking Lot commonly operates at less than fifty percent capacity. Thus, the anticipated occupation of the thirty-one parking spaces for construction staging and storage is not anticipated to substantially impact that public's ability to utilize the parking lot.

However, while the construction will avoid the summer and only occupy a small percentage of the parking, State Parks anticipates that the entire comfort station area will need to be completely closed off during the four-month duration, effectively blocking access to the southwest sidewalk crossing under North Torrey Pines Road from the North Beach Parking Lot, which is the main accessway to the beach from the lot. State Parks states that this is required because the entire concrete sidewalk area and structures within the project site, which is adjacent to and completely blocks the fifteen-foot wide walkway, will be demolished and will become an active work site, creating potential tripping hazards and conflicts with heavy machinery during construction. There are no opportunities to create a temporary beach access trail around the construction site connecting the parking lot to the walkway, because the project site is bounded by native upland vegetation to the north and the lagoon mouth to the south. [\[Exhibit 2\]](#)

In response to concerns raised by Commission staff regarding the four-month blockage of access between the North Beach Parking Lot and the southwest pedestrian underpass, State Parks points to the fact that the North Beach Parking Lot area has other beach access routes that the public can utilize during the underpass closure. Specifically, there is an approximately 700-ft. long pedestrian path to the beach at the northern terminus of the North Beach Parking Lot, 750 feet north of the underpass. Additionally, there are two approximately 825-ft. long ADA-compliant public access paths on either side of North Torrey Pines Road near the project area that lead down to the portion of the underpass that will not be closed during construction of the project, and visitors wishing to utilize those paths may park along North Torrey Pines Road to access them. In addition, Torrey

Pines State Beach also contains the approximately 250-space South Beach Parking Lot that grants more direct access to the beach [[Exhibit 1](#)].

While recognizing the constrained site that the construction will be conducted in and the steps State Parks has taken to avoid the busy summer months, it is important to note that the northern beach access path, which is not completely paved and terminates in a short bluff above the beach, is longer and more difficult to use because it ends at a short bluff with a steep path down to the beach, as opposed to the one-to-three foot drop off at the end of the southwest underpass. Furthermore, the two public access paths on either side of North Torrey Pines Road will only be accessible from North Torrey Pines Road, where the closest parking is south of the bridge crossing over the lagoon mouth. Finally, while there is a limited amount of street parking that is available south of the bridge, it frequently reaches capacity early in the day, thus limiting the opportunity to utilize the side paths.

Thus, the temporary closure of the lot will have some impacts on public beach access. However, the location and nature of the project severely limit the ability of State Parks to safely detour pedestrian traffic in the immediate vicinity of the comfort station area. Because the project construction will occur in the less-busy off-season and there will be some alternative access points during construction, the closure of the comfort station and temporary blockage of direct access to the underpass will not have a long-term, substantial adverse impact to public access.

To ensure that the proposed upgrades are constructed as approved and that construction staging and storage does not encroach beyond approved limits, **Special Condition No. 1** requires the submittal of final construction plans and construction staging and storage plans for review and acceptance. Because Torrey Pines State Beach experiences its heaviest visitor volume in the summer months and State Parks expects to be completed before then, **Special Condition No. 7** prohibits construction activity from Memorial Day Weekend to Labor Day except for extenuating circumstances accepted by the Executive Director. In this manner, the proposed development for the North Beach Parking Lot comfort station can be found in conformance with the public access policies of Chapter 3 of the Coastal Act.

## C. COASTAL HAZARDS

Section 30235 of the Coastal Act states:

*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 sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

Section 30253 of the Coastal Act states, in part, that new development shall:

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

*(b) 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.*

The North Beach Parking Lot was constructed in the 1960's over historic tidelands adjacent to the mouth of the Los Peñasquitos Lagoon estuary. As such, the parking lot and much of Torrey Pines State Beach is located within the federally mapped floodplain. In preparation for this project, State Parks commissioned a March 2018 geotechnical investigation to analyze the site and potential geological hazards. State Parks also utilized the Commission's 2012 Sea Level Rise Policy Guidance in order to project future hazards from sea level rise and related storm events.

The North Beach Parking Lot gradually slopes down in elevation from North Torrey Pines Road in the west to Carmel Valley Road in the east. The site of the comfort station is approximately fifteen feet above sea level. Being in the floodplain, the North Beach Parking Lot periodically experiences flooding events, mostly during storm events, which can be exacerbated by the occasional blockage of the lagoon mouth by sediment (clearance of which is governed by existing coastal development permits).

While the North Beach Parking Lot does experience occasional flooding, due to the comfort station's higher elevation, it is not as affected as other parts of the parking lot. However, due to its location immediately adjacent to the lagoon mouth, the comfort station periodically experiences wave action during extreme high water or storm events. Currently, there exists an approximately 320-foot long rip rap revetment along the northern bank of the lagoon mouth, running from the terminus of the pedestrian underpass under North Torrey Pines Road east to the area of the comfort station. According to State Parks, records indicate that the revetment was constructed to protect North Torrey Pines Road and the comfort station.

According to the geotechnical survey, the project site does not contain any substantial adverse risk of hazards. The site is composed of stable soils that pose little liquefaction or lateral movement risk, with the most severe impact during an extreme seismic event being soil settlement of up to 2.5 feet. To avoid this impact, the geotechnical survey recommended several steps to prepare the building pad for the two modular restroom structures to lessen the amount of settling and damage.

The anticipated life of the new modular restroom structures is fifty years. The Commission's sea level rise guidance's median projection for the year 2050 is eleven inches of sea level rise. Because the sea level rise guidance does not have a specific projection for the year 2068, State Parks utilized the worst-case projection for the year 2050 – nineteen inches – as a proxy. Utilizing this level of projected sea level rise, State

Parks anticipates that a storm event would flood the lower, eastern half of the North Beach Parking Lot (in turn cutting off access from Carmel Valley Road), while the higher western half with the comfort station would not be flooded. Even in the event that wave action in such a storm event reached the comfort station, as the structures are modular restrooms, they would be able to withstand periodic inundation or, if necessary, be relocated completely.

Thus, the combination of the design of the proposed modular restroom structures and their location on the higher portions of the North Beach Parking Lot support the conclusion that the proposed development will not face substantial flood risk or create future risk necessitating shoreline protection. To ensure that the upgraded comfort station utilizes the approved modular facilities able to withstand inundation or relocation as proposed, **Special Condition No. 1** requires the submittal of final project plans. As the project site is located in a floodplain adjacent to the lagoon mouth and shoreline, **Special Condition No. 5** places State Parks on notice that the site is subject to risk of damage from coastal processes and accepts the risk accordingly. As the proposed development mainly consists of restrooms that can be relocated if the need arises, **Special Condition No. 6** requires a waiver of any future shoreline devices to protect the development approved in this permit. Thus, as conditioned, the proposed development can be found consistent with Chapter 3 of the Coastal Act.

#### **D. HABITAT IMPACTS**

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 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Torrey Pines State Beach and State Natural Reserve encompasses sandy beach, lagoon, estuary, riparian, and upland habitat. Being located on historic tideland adjacent to the lagoon mouth, the North Beach Parking Lot is in close proximity to upland, salt marsh, tidal mudflat, dunes, and open water. While the 1.06-acre project site at the southwest corner of the parking lot is almost completely developed with pavement and structures, a 2016 biological survey commissioned by State Parks observed the vegetation and wildlife indicated that sensitive status species such as gnatcatchers, Belding's savannah sparrow, light-footed Ridgeway's rails, Western snowy plovers, and California least terns have been observed to either forage or nest in the park area.

The 1.06-acre project site consists mostly of paved sidewalk area, the existing restroom structure and related shower and drinking fountain amenities, and some landscaping. As such, there is no sensitive habit within the project site, and the while the two 590 square foot and 540 square foot planters being replaced with picnic areas currently contain native landscaping, they are surrounded by the comfort station development and disconnected from the main habitat area, so they are not considered sensitive habitat. The new comfort station area and related construction staging and storage will not encroach beyond the existing developed footprint. New planters will be installed at the corners of both new modular restrooms and planted with native landscaping.

Because the two new picnic areas will likely increase the amount of food consumed by visitors in the comfort station area, it could cause impacts to local wildlife by encouraging the presence of nuisance animals, such as squirrels, seagulls, Argentine ants, crows, and ravens, which harass or out-compete the native fauna in the lagoon area. To address this risk and minimize potential impacts, State Parks submitted a draft Integrated Pest Management Plan (IPM) that includes the installation of animal-proof waste receptacles and signage exhorting visitors to not feed the wildlife.

To ensure that the new comfort station facility and its related construction staging and storage do not encroach into the open park space, **Special Condition No. 1** requires the submittal of final construction and staging and storage plans to ensure conformance with approved parameters. **Special Condition No. 1** also requires the submittals of a final Integrated Pest Management (IPM) Plan detailing the manner in which State Parks will ensure that the operation of the comfort station does not encourage the increased presence of nuisance animals and subsequent impact to sensitive species. Because those sensitive status species are known to nest or forage in the park and demolition and construction of the comfort station will require the use of heavy machinery, **Special Condition No. 4** requires that prior to any construction actives in the bird breeding season, a survey by a qualified biologist will look for any historic or active nesting within 500 feet of the project site and implement any necessary buffer or noise measures to avoid impacts that might flush or otherwise harass sensitive species. Thus, as conditioned, the proposed comfort station can be found in conformance with Chapter 3 of the Coastal Act.

## **E. 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.*

Los Peñasquitos Lagoon is a 0.62-square mile coastal marsh estuary system that is the terminus of a watershed drainage basin covering approximately one hundred square miles. Because much of this drainage basin is developed, the Los Peñasquitos Lagoon is considered an “impaired” body of water regarding several pollutants by the California Water Resources Board. The lagoon’s role as both a sensitive habitat area and drainage directly into a popular coastal area heightens the need to ensure that proper water quality measures are taken both in the design and construction of the proposed comfort station.

The North Beach Parking Lot slopes gradually from west, where the comfort station is located, to east, where the vehicular entrance is located. To prevent runoff from directly entering the lagoon waters, the parking lot is bounded by concrete curbs that direct runoff from the comfort station and parking area to a storm drain inlet point near the entrance, where it subsequently enters a vegetated swale for infiltration. Because the upgraded comfort station will not significantly alter the footprint or grade from its current configuration, runoff flows are expected to follow current patterns. While the new comfort station will replace the two approximately 500-600 sq. ft. landscape areas with picnic areas, State Parks will utilize permeable pavers so that some of the runoff will be able to infiltrate rather than flow off site.

While the construction of the new comfort station will require the use of heavy machinery in close proximity to coastal waters, at this time, State Parks has yet to select a contractor, who will be the party responsible for drafting the final storm water pollution prevention plan. To ensure that demolition and construction of the new comfort station will not create runoff impacts to the adjacent lagoon waters, **Special Condition No. 2** requires the submittal of a pollution prevention plan for review and acceptance by the Commission prior to any construction activity, and details the water quality protection measures that will need to be implemented in a final construction pollution prevention plan to be submitted to the Commission. Relatedly, while the new comfort station will

not be substantially different from the existing comfort station in regards to runoff flow and treatment, **Special Condition No. 3** details the permanent water quality measures that will need to be implemented in the final design and long-term operation of the comfort station. Thus, as conditioned, the new comfort station will have the least impact feasible on the park's water quality and can be found in conformance with the water quality policies of Chapter 3 of the Coastal Act.

#### **F. LOCAL COASTAL PLANNING**

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

Torrey Pines State Beach is located in the City of San Diego, which has its own certified LCP that includes the Torrey Pines community. However, Torrey Pines State Beach, including the project site in the North Beach Parking Lot, is located on filled tidelands and thus constitutes original permit jurisdiction of the Coastal Commission. Thus, Chapter 3 of the Coastal Act serves as the standard of review, with the City of San Diego's LCP acting as guidance. The development approved in this permit is in conformance with the relevant policies of Chapter 3 of the Coastal Act and does not prejudice the ability of the City of San Diego to continue to implement its LCP in its jurisdiction areas.

#### **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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. State Parks found the proposed development to be categorically exempt under Class 1, existing facilities, of Guidelines section 15301 (Cal. Code of Regs., tit. 14).

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 construction timing, staging and storage, sensitive species monitoring, and water quality measures 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS