

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: CONSENT CALENDAR

Application No.: 6-21-0181

Applicant: City of San Diego

Agent: Tina Huang and Eriberto Valdez

Location: North Cove Park, Mission Bay Park, San Diego, San Diego County.

Project Description: Demolish existing 1,200 sq. ft. comfort station and install new 1,000 sq. ft. pre-fabricated comfort station within the same footprint. Install new ADA-compliant sidewalks and pedestrian crosswalk. Repair, resurface, and install conduit for future electric vehicle charging within a portion of existing parking lot.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The proposed development includes replacement of an existing comfort station and improvements to a parking lot and sidewalks at North Cove Park in Mission Bay Park. The project will replace an existing comfort station with a new pre-fabricated comfort station within the same footprint, install new ADA-compliant sidewalks and a crosswalk, and resurface, restripe, and install conduit for future electric vehicle charging within a portion of the existing parking lot.

The primary Coastal Act issues raised by the proposed development are potential impacts to public access and water quality during construction. Project construction will occur outside of the summer months. A maximum of 25 parking spaces will be

unavailable for public use during the construction period. Public parking will remain available throughout construction in the remaining portion of the lot, which contains 146 spaces total. A portable restroom facility will be placed within the immediate vicinity for public use until the new comfort station is available for public use. **Special Condition No. 1** requires the applicant to submit revised final plans that include underground infrastructure for electric vehicle charging stations within the parking lot. **Special Condition No. 2** requires the applicant to submit a public access management program that contains a construction phasing schedule and identifies the staging and storage areas and measures that will be implemented to maintain safe pedestrian access to the shoreline. Special Condition No. 2 further requires permission from the Executive Director prior to conducting work during the summer, from Memorial Day weekend through Labor Day.

Because the project is located adjacent to Mission Bay, the project has the potential to adversely impact water quality during construction. **Special Condition No. 3** requires the submittal of a construction and pollution prevention plan to ensure that proper best management practices (BMPs) are implemented during construction to secure on-site materials and capture runoff that may enter nearby storm drains that flow directly into the waters of Mission Bay.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-21-0181, as conditioned. The motion is on page 4. The standard of review is Chapter 3 of the Coastal Act.

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EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Construction Staging Plan](#)

I. MOTION AND RESOLUTION

Motion:

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

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

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project 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

- 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 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Revised Final Plans. PRIOR TO 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 final plans that substantially conform with the plans titled “North Cove Comfort Station Improvements” and received by the San Diego Coastal Commission office on March 23, 2021, except that they shall comply with the following:

- a) The parking lot improvements shall include the installation of underground conduit for future electric vehicle charging stations.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

2. **Public Access Management Program. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a Public Access Management Program that includes, at a minimum, the following:

- a. The program shall include a construction phasing schedule and a staging plan that substantially conforms to the plan titled “Construction Staging Exhibit” and provided to the San Diego Coastal Commission office on March 23, 2021.
- b. The program shall include a plan for ensuring safe public access to and around construction areas and/or staging areas is maintained during all project operations. The plan shall include a description of the methods (such as signs, fencing, etc.) by which safe public access to and around construction areas and/or staging areas shall be maintained during all project operations.
- c. The program shall include all necessary temporary access provisions to maintain public pedestrian access around the construction areas and/or staging areas and along the shoreline.
- d. Construction shall not occur between Memorial Day weekend and Labor Day unless, due to extenuating circumstances beyond the City’s control (such as extensive delays due to severe weather, delivery of equipment, or other environmental concerns) the Executive Director provides written authorization for such work.
- e. Where public parking areas are used for construction staging or storage, the number of public parking spaces (on and off-street) utilized shall be the minimum necessary to implement the project.
- f. Lateral access along the shoreline shall be maintained at all times throughout construction.

- g. All recreational use areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction.
- h. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.

The permittee shall undertake development in conformance with the approved final program unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

3. Construction and Pollution Prevention Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a Construction and Pollution Prevention Plan. 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. **General.** Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and 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 onset of such activity. The description and location of all water quality BMPs to be implemented during construction and demolition shall be specified.
 - 1. BMPs designed to minimize adverse impacts resulting from construction and demolition activities shall be implemented prior to the onset of such activity, including BMPs to minimize erosion and sedimentation, minimize the discharge of pollutants and non-stormwater runoff, and minimize land disturbance, as applicable. The description and location of all water quality BMPs to be implemented during construction and demolition shall be specified.
 - 2. All BMPs shall be maintained in a functional condition throughout the duration of the construction and demolition activities, and shall be promptly removed when no longer required.
 - 3. 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 shall be prohibited, to minimize wildlife entanglement and plastic debris pollution. Only products with 100% biodegradable (not photodegradable) natural fiber netting shall be allowed.
 - 4. Temporary erosion control measures shall be implemented if construction or site preparation ceases for a period of more than 30 days. These

temporary erosion control measures shall be monitored and maintained until demolition or construction operations resume.

5. All construction methods and equipment to be used shall be specified.

b. Staging and Storage of Equipment and Materials

1. Motorized equipment shall be staged and stored in the parking lot to reduce the potential for leaks or spills of fuel and other equipment fluids into coastal waters.
2. Staging and storage of construction equipment and materials (including debris) shall not take place on the beach or shoreline pathway. 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.

c. Construction Activities In and Adjacent to Coastal Waters

1. All work shall be performed during favorable tidal, ocean, wind, and weather conditions that will enhance the ability to contain and remove, to the maximum extent feasible, construction and demolition debris.
2. The footprint of areas within which demolition and construction activities are to take place (including staging and storage of equipment, materials, and debris; and equipment fueling and maintenance) shall be minimized to the extent feasible, to minimize impacts on the marine environment. Construction activities shall be prohibited outside of designated construction, staging, storage, and maintenance areas.
3. Vegetable-oil-based hydraulic fluids shall be used in heavy equipment used in construction lasting one week or longer adjacent to coastal waters, if feasible.
4. Biodiesel fuel shall be used in heavy equipment used in construction lasting one week or longer adjacent to coastal waters, if feasible.
5. All work shall take place during daylight hours, and lighting of the shoreline and bay area is prohibited.

d. Stockpile and Debris Management

1. All demolition and construction materials, equipment, debris, and waste shall be properly stored and contained, and shall not be placed or stored

where it may be subject to wave, wind, rain, or tidal dispersion, to prevent pollutants from entering coastal waters, sensitive habitats, and the storm drain system.

2. All stockpiles, construction materials, and demolition debris shall be enclosed on all sides, covered during rain events, and not stored in contact with the soil, and shall be located a minimum of 50 feet from coastal waters, sensitive habitat, and storm drain inlets.
3. Sediment control BMPs shall be installed at the perimeter of staging and storage areas, to prevent sediment in runoff from construction-related activities from entering coastal waters.
4. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs, to prevent the accumulation of debris, sediment, and other pollutants that may potentially be discharged into coastal waters.
5. All trash and debris shall be disposed of in the proper trash and recycling receptacles at the end of every construction day.
6. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
7. All debris resulting from demolition or construction activities, and any remaining construction materials, shall be removed from the project site within 24 hours of completion of the project.
8. 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.

e. Spill Prevention and Equipment Maintenance

1. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of construction products or materials that may have adverse environmental impacts. The discharge of any construction products or materials into coastal waters shall be prohibited.
2. Leaks or spills of fuel, oil, grease, lubricants, hydraulic fluid, chemicals, preservatives, paints, or other construction products or materials shall be immediately contained on-site and disposed of in an environmentally-safe manner as soon as feasible.
3. Construction vehicles, machinery and equipment operating at the project site shall be inspected daily to ensure there are no leaking fluids, and shall be serviced immediately if a leak is found. Reasonable and prudent

measures shall be undertaken to prevent any discharge of fuel or oily waste from heavy machinery or construction equipment into coastal waters. The applicants shall have adequate equipment and materials available to contain any such spill immediately.

4. 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 take place at a designated area located at least 50 feet from coastal waters, sensitive habitat, and storm drain inlets (unless these 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.
5. Equipment, machinery, and vehicles shall be washed only in designated areas specifically designed to contain runoff and prevent discharges into coastal waters. Thinners, oils, and solvents shall not be discharged into the sanitary sewer or storm drain systems.

The applicant shall submit evidence that the approved water quality plan has been incorporated into construction bid documents. The permittee shall undertake development in conformance with the approved final plan unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The project site is located at North Cove Park adjacent to Mission Bay in Mission Bay Park ([Exhibit 1](#)). The City of San Diego is proposing to demolish an existing 1,200 sq. ft. comfort station, construct a new 1,000 sq. ft. pre-fabricated comfort station, install new ADA-compliant sidewalks, and resurface an approximately 620 sq. ft. portion of the existing approximately 5,550 sq. ft. parking lot ([Exhibit 2](#)).

The total number of parking spaces will not change. Although the City is not proposing to install electric vehicle (EV) charging stations at this time, this project includes installation of underground infrastructure capable of delivering electricity to future EV charging stations. However, this was not reflected in the submitted plans. **Special Condition No. 1** requires the applicant to submit revised final plans that include the installation of conduit for future EV charging stations.

Construction is expected to last up to nine months and will be scheduled outside of the summer season. Construction staging will occur within the subject parking lot, and up to 25 spaces will be unavailable during the construction period. Parking will remain available in the rest of the parking lot throughout construction ([Exhibit 3](#)). A portable

restroom facility will be placed within the immediate vicinity for public use until the new comfort station is available for public use. **Special Condition No. 2** requires the submittal of a public access management program that contains a construction phasing schedule and a staging plan that substantially conforms to the plan reviewed by the Commission, and identifies the methods that will be used to maintain safe pedestrian access around the construction site and along the shoreline. Special Condition No. 2 further requires permission from the Executive Director prior to conducting work during the summer, from Memorial Day weekend through Labor Day.

The project does not propose to remove any vegetation, and existing trees will be protected in place. The proposed security lighting would replace the four security lights mounted to the existing comfort station with ten new wall pack security lights with 3,000 Kelvin light emitting diode (LED) bulbs. Environmental studies recommend a Correlated Color Temperature of 3,000 Kelvin or below. The LED lights are directional and do not cast uplight. Therefore, no adverse impacts to biological resources are expected.

Mission Bay Park is located in an area of both original and deferred certification, where the Commission retains jurisdiction and Chapter 3 policies of the Coastal Act are the standard of review. The Commission has certified the Mission Bay Park Master Plan as the Land Use Plan for Mission Bay Park, which serves as guidance.

B. Biological Resources

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

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

C. Community Character/Visual Quality

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Public Access/Parking

As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

E. Local Coastal Planning

The LUP for the Mission Bay Park LUP segment of the City of San Diego LCP was certified on May 11, 1995, but no implementation plan has been developed as yet, and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

F. 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. The City of San Diego found the proposed project categorically exempt from CEQA requirements under Section 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and 15303 (New Construction or Conversion of Small Structures).

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 public access 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Mission Bay Park Master Plan