

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
VOICE (619) 767-2370  
FAX (619) 767-2384

**W7a**

Filed: 11/18/20  
180<sup>th</sup> Day: 5/17/21  
Staff: C. Boyle-SD  
Staff Report: 2/18/21  
Hearing Date: 3/10/21

**STAFF REPORT: CONSENT CALENDAR**

**Application No.:** 6-20-0271

**Applicant:** City of San Diego

**Agent:** Eriberto Valdez

**Location:** 1008 Santa Clara Place, Mission Bay Park, Mission Bay, San Diego, San Diego County

**Project Description:** Upgrade existing playground with new surfaces, equipment, Americans with Disabilities Act (ADA) compliant sidewalks, and landscaping. Renovate existing comfort station to improve ADA accessibility. Upgrade utilities and security lighting.

**Staff Recommendation:** Approval with conditions.

---

**SUMMARY OF STAFF RECOMMENDATION**

The proposed development includes upgrades to an existing playground area and comfort station at Santa Clara Point in Mission Bay Park. The project will add ADA-compliant sidewalks and replace the playground surfaces and equipment. The comfort station will be upgraded to provide additional accessible restrooms and showers, and new utilities and security lighting will be installed.

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 in two phases outside of the summer months. Construction equipment will be staged in the adjacent parking lot in an area that will not take up parking spots or

impede traffic flow. A portable restroom facility will be placed within the immediate vicinity for public use until the comfort station is upgraded and available for public use. **Special Condition #1** requires the applicant to submit final plans demonstrating that the construction staging and timeline substantially conform to the preliminary plans reviewed by Commission staff. **Special Condition #2** requires permission from the Executive Director prior to conducting work during the summer, from Memorial Day weekend through Labor Day.

The project is located adjacent to Mission Bay and therefore has the potential to adversely impact water quality during construction. **Special Condition #2** requires 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 6-20-0271 as conditioned. The motion is on page 4. The standard of review is Chapter 3 of the Coastal Act.

## TABLE OF CONTENTS

<b>I. MOTION AND RESOLUTION .....</b>	<b>4</b>
<b>II. STANDARD CONDITIONS .....</b>	<b>4</b>
<b>III. SPECIAL CONDITIONS .....</b>	<b>4</b>
<b>IV. FINDINGS AND DECLARATIONS.....</b>	<b>8</b>
A. Project Description and Background .....	8
B. Biological Resources.....	9
C. Community Character/Visual Quality .....	10
D. Public Access/Parking.....	10
E. Local Coastal Planning.....	10
F. California Environmental Quality Act .....	10
<b>APPENDIX A – SUBSTANTIVE FILE DOCUMENTS .....</b>	<b>11</b>

## EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Satellite Image](#)

[Exhibit 3 – Site 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 recommendations.

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.

## 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. **Final Plans.**
  - a. **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 "Santa Clara Improvements Playground and Comfort Station" and date stamped received on November 17, 2020.
  - b. 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. **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 final 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. **Protect Public Access.** Construction shall protect and maximize public access, including by:

1. Construction shall not occur between Memorial Day weekend and Labor Day unless, due to extenuating circumstances (such as tidal issues, extensive delays due to severe weather, or other environmental concerns) the Executive Director provides written authorization for such work.
2. Staging and storage of construction equipment and materials (including debris) shall not take place on the beach or in any parking spaces. 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.
3. 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 Section g).
4. 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.
5. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.

b. **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:

1. 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.
  2. 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.
  3. 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.
  4. 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.
  5. 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.
- c. **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:
1. 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:
    - i. 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.
    - ii. 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.
    - iii. Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.
    - iv. Prompt removal of all construction debris from the beach.
    - v. 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.
- d. **Minimize Other Impacts of Construction Activities.** Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:
1. 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.
  2. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.
  3. To minimize wildlife entanglement and plastic debris pollution, any temporary rolled erosion and sediment control products used (such as fiber rolls, erosion control blankets, and mulch control netting) shall either be netting-free, or shall contain plastic-free biodegradable natural-fiber netting (such as jute, sisal, or coir fiber). Degradable plastic netting is not an acceptable alternative. When no longer required, temporary erosion and sediment control products shall be promptly removed.
- e. **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:
1. No construction equipment or materials (including debris) shall be allowed at any time on the beach.
  2. All work shall take place during daylight hours, and lighting of the beach and ocean area is prohibited.
  3. 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.
  4. 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 being deposited on the beach.

- f. **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.
- g. **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:
  - 1. 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).
  - 2. 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 with a description and timeline of significant land disturbance activities.
  - 3. 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.
  - 4. 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.

## IV. FINDINGS AND DECLARATIONS

### A. Project Description and Background

The project site is located on Santa Clara Point within the western cove of Mission Bay ([Exhibit 1](#)). The City of San Diego is proposing to renovate an existing playground and comfort station to improve Americans with Disabilities Act (ADA) accessibility ([Exhibit 2](#)). The proposed project will replace the playground surfaces, playground equipment, security lighting, and landscaping and construct ADA-accessible sidewalks ([Exhibit 3](#)). The existing comfort station includes six restrooms (one ADA-accessible restroom) and two showers. Two of the restrooms and one of the showers will be converted to ADA-compliant facilities. A continuous ADA-accessible path of travel will be created from the playground areas to the comfort station and existing recreation center. New utilities will be installed and existing security lights will be upgraded to include directional 3,000 Kelvin light-emitting diode (LED) lights.



Construction is expected to last up to seven months and will be scheduled outside of the summer months. Construction materials and equipment will be staged within the parking lot immediately adjacent to the project but will not take up parking spaces or impede traffic flow through the lot. **Special Condition #1** requires the applicant to submit final plans, including a construction staging plan that substantially conforms to the preliminary plan reviewed by Commission staff. **Special Condition #2** requires permission from the Executive Director prior to conducting work during the summer, from Memorial Day weekend through Labor Day, to avoid impacts to public access.

Due to the project's proximity to Mission Bay, there is a potential for adverse impacts to water quality. The proposed playground surfaces have been designed to mimic the existing site hydrologic condition and to retain the site's 85<sup>th</sup> percentile 24-hour storm event. To avoid potential impacts to water quality during construction, **Special Condition #2** requires the applicant to submit a Construction and Pollution Prevention Plan with construction-phase BMPs in order to minimize erosion, sediment and pollution discharge, and impacts to the beach and bay during project construction.

The City proposes to upgrade security lighting inside the comfort station as part of the project. The existing light fixtures that are affixed to the comfort station will be replaced with light emitting diode (LED) fixtures. The replacement of the existing lighting with LED lighting could impact nearby marine and avian species within Mission Bay. While LED lighting is more energy efficient than traditional lighting, LED lighting has the potential to disrupt natural circadian rhythms leading to disruption in behaviors (e.g., breeding, foraging) and sleep due to the high blue light frequencies in LED lights. Environmental studies recommend a Correlated Color Temperature (CCT) of 3,000 Kelvin or below, a range that contains less blue light. In this case, the applicant has proposed directional 3,000 Kelvin lighting that does not cast upright, so no adverse impacts 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 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.

6-20-0271  
City of San Diego

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

Mission Bay Park Master Plan