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

Th9a

Filed: 1/29/25
180th Day: 7/28/25
Staff: A. Llerandi-SD
Staff Report: 6/25/25
Hearing Date: 7/10/25

STAFF REPORT: REGULAR CALENDAR

Application No.: **6-23-0064**

Applicant: **California Department of Parks and Recreation**

Agent: Debbie Waldecker

Location: Torrey Pines State Natural Reserve, 12600 N Torrey Pines Rd, University Community, San Diego (San Diego County) APN:(s) 301-130-02-00; 310-01-01-00; 310-010-02-00; 310-010-07-00; 310-110-13-00

Project Description: Demolition of existing non-functional comfort station and construction of new one-story, 14-ft. tall, 750 sq. ft. comfort station in the same location. Accessibility upgrades consisting of parking stalls, paved pedestrian paths, and site amenities. Improvements to sewer, fire, electrical, and water utilities with new and upgraded connections.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Staff Note: Due to Permit Streamlining Act constraints, the Commission must take action at the July 2025 hearing unless a 90-day extension is agreed by the Applicant.

Torrey Pines State Natural Reserve ("Torrey Pines Reserve") covers approximately 2,000 acres of beaches, bluffs, uplands, river, lagoon, riparian habitat, and wetlands, drawing over three million annual visitors. The California Department of Parks and Recreations ("State Parks") is proposing to install numerous accessibility and utility

upgrades to the Torrey Pines Reserve located in the northern University community of the City of San Diego ("City"). (Exhibit 1)

The accessibility upgrades would consist of the demolition of a long-dormant comfort station and its adjacent below-grade septic system and construction of a new comfort station in the same location. Additional and improved accessible parking spaces would be created in the East Parking Lot adjacent to the Visitor Center and in the West Parking Lot adjacent to the aforementioned comfort station across Torrey Pines Park Road, the sole internal circulation road (Exhibit 2). Existing dirt pedestrian paths adjacent to the parking lots and Visitor Center would be paved and new paved pedestrian paths will be constructed to permit greater wheelchair use, while accessible benches and water fountains would be installed.

The utility upgrades consist of replacing the dormant septic system previously serving the disused comfort station with new sewer mains and lift stations to convey sewage to the City of San Diego's sewage system outside of the Torrey Pines Reserve. The existing failing water lines serving water fountains and park facilities would be replaced with new water lines connected to the City of San Diego's water system. Finally, new electrical and telecommunication conduits would be installed from the Torrey Pines Reserve's southern boundary to the Fleming House (a historic ranger house), Visitor Center, maintenance yard, and new comfort station.

While the purpose of the project is to improve and expand public access, construction itself has the potential to disrupt public access to the park. State Parks plans to complete the upgrades in two phases: August 2025 – February 2026 and August 2026 – February 2027, to avoid overlapping with the breeding season of the California gnatcatcher, a special status species found in the Torrey Pines Reserve. This schedule would partly overlap with the summer season, when visitor volumes are highest, and when the Coastal Commission typically prohibits development activity to ensure maximum amount of parking and open space are available for public use. Recognizing that the proposed development will substantially upgrade public amenities at one of the most popular coastal destinations in the county, and that the majority of the busy summer season will occur prior to the start of construction in a given year, **Special Condition No. 3** prohibits development activity between Memorial Day weekend and August 15th, inclusive, in order to balance public access with public access improvements. **Special Condition No. 1** requires final construction plans be submitted to ensure that the authorized public access improvements are provided in their approved design, while also requiring a staging and storage plan that utilizes the minimum amount of park space necessary to provide adequate support for construction.

Within the Torrey Pines Reserve and adjacent to the project footprint, numerous special status plants, wildlife, and sensitive natural communities exist. Despite the high volume of sensitive habitat within Torrey Pines Reserve, impacts to vegetation will be minimized due to the siting of most development within existing disturbed and developed areas, though not completely avoided. Upon review of the relevant data by the Coastal Commission's staff ecologist, the habitat impacts and related mitigation equate to a total

of 0.4947 acres of required mitigation. As State Parks is proposing 0.554 acres of in-kind southern maritime chaparral, coastal sage scrub, and Torrey pine forest mitigation, they are providing adequate mitigation and a small contingency mitigation (approx. 0.05 acre) for the anticipated impacts. **Special Condition No. 2** requires the submittal of a final Habitat Mitigation and Monitoring Plan containing listed criteria, while **Special Condition No. 4** requires pre-construction nesting surveys for work done during the general bird breeding season from February 1st to September 15th. **Special Condition No. 5** requires submittal of a construction pollution prevention plan that details the Best Management Practices (BMPs) that will be implemented to contain, capture, and treat runoff during construction, and **Special Condition No. 6** requires submittal of a post-development runoff plan detailing the design features that will redirect or capture and treat runoff from the finished development. Finally, **Special Condition No. 8** details the cultural resource protection plan requirements for all coordination, monitoring, and reporting during construction of the approved development and includes requests communicated by certain tribal authorities during consultations.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-23-0064, as conditioned. The motion is on page 5. The standard of review is Chapter 3 of the Coastal Act, with the City of San Diego certified Local Coastal Program serving as guidance.

TABLE OF CONTENTS

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 6-23-0064 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of 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. Submittal of 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, two full-size sets of the following final plans:

i. Final construction plans that conform to the plans submitted to the Coastal Commission, titled “Torrey Pines State Natural Reserve: Torrey Pines SNR Utility and ADA Improvements” and dated January 23, 2025.

ii. Final construction staging and storage plans that conform to the plans submitted to the Coastal Commission, titled “Torrey Pines State Natural Reserve: Torrey Pines SNR Utility and ADA Improvements” and dated January 23, 2025.

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. Final Habitat Mitigation and Monitoring Plan.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final detailed mitigation and monitoring plan for all impacts to sensitive biological resources associated with the proposed development.

a. The plan shall be in substantial conformance to the submitted Habitat Mitigation Plan dated February 24, 2024, edited to include the following:

i. The addendum from ECORP Consulting dated May 22, 2025, where the addendum narratives, attachments, and photos are incorporated into the submitted Habitat Mitigation Plan.

ii. A provision in the implementation or maintenance sections of the Plan that non-native grasses and other non-native species shall be treated at the mitigation site(s), even in the absence of success criteria related to naturalized, non-native grasses.

iii. For non-native plant control, a table of the proposed pesticides and adjuvants and their state registration number with the Department of Pesticide Regulation. Where a pesticide containing glyphosate is proposed, only aquatic-safe formulations of glyphosate shall be approved

for use. Only adjuvants characterized as modified seed oils or crop oil concentrates shall be approved for use. Use of any pesticide shall be in conformance with the pesticide label.

b. The plan and mitigation for this permit shall also be subject to the following conditions:

i. **Mitigation ratios.** All impacts to ESHA (temporary and permanent) shall be mitigated at not less than a 3:1 mitigation ratio for permanent impacts and a 1:1 mitigation ratio for temporary impacts. All mitigation shall be located within the project site and shall not be credited through the purchase of mitigation land.

ii. **Impact validation.** A final report comparing the extent and nature of impacts as estimated by the Permittee in the Biological Technical Report with those actually observed following construction, the latter of which final compensatory mitigation requirements will be based on. The report shall include information from the post-construction surveys over multiple project phases. The report shall be submitted for the review and approval of the Executive Director no less than ninety (90) days following completion of all construction activities.

A. **Post-Construction Surveys.** Post-construction surveys shall document, at a minimum: the physical extent, habitat, and acreage of all impacts; the general nature of activities that occurred within each area; and any vegetation clearance, death, significant woody vegetation removal, or ground disturbance. Post-construction surveys shall be completed within 90 days of completion of construction activities where impacts may potentially be characterized as temporary and additionally document the dates of initial and final project-related disturbance to the habitat.

iii. **As-built reporting.** A plan for documenting and reporting the physical and biological “as built” condition of the mitigation site(s) within thirty (30) days of completion of the initial restoration activities. This is a simple report describing the field implementation of the approved restoration or mitigation plan in narrative and photographs, reporting any problems in the implementation and their resolution, and any recommendations for future adaptive measures. The “as built” assessment and report shall be completed by a qualified biologist or restoration ecologist, who is independent of the installation contractor.

iv. **Annual reporting.** Annual reports of monitoring results shall be submitted to the Executive Director for review and written approval for the duration of the required monitoring period, beginning the first year after submission of the “as-built” report. Each report shall be cumulative and

shall summarize all previous results. Each report shall document the condition of the restoration with photographs taken from the same fixed points in the same directions. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the restoration project in relation to the interim performance standards and final success criteria. The report shall also discuss the implementation of remedial measures from the Habitat Mitigation Plan to help the mitigation meet performance criteria the following year.

v. Revised or supplemental mitigation plan. Should multiple annual monitoring reports demonstrate that the mitigation effort is falling below the interim performance standards, a revised or supplemental restoration plan may be submitted for the review and concurrence of the Executive Director. The applicant shall submit a revised or supplemental mitigation program within ninety (90) days of submitting the annual report to address those portions of the original program which are not meeting the approved success criteria.

vi. Final reporting. Provision for submission of a final monitoring report to the Executive Director for review and written approval at the end of the final monitoring period. The final report must be prepared by a qualified restoration ecologist. The report must evaluate whether the restoration site conforms to the goals and success criteria set forth in the approved final restoration program.

A. If the final report indicates that the mitigation has been unsuccessful, in part or in whole, based on the approved success criteria, the applicant shall submit within ninety (90) days a revised or supplemental mitigation plan to compensate for those portions of the original plan which did not meet the approved success criteria. The permittee shall undertake mitigation and monitoring in accordance with the approved final, revised upland restoration or mitigation plan following all procedures and reporting requirements as outlined for the initial plan until all performance standards (success criteria) are met. The revised mitigation plan shall be processed as an amendment to this coastal development permit unless the Executive Director provides a written determination that no permit amendment is legally required.

B. The permittee shall undertake mitigation and monitoring in accordance with the approved final, revised Habitat Mitigation Plan. Any proposed changes to the approved final, revised plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the

Executive Director provides a written determination that no amendment is legally required.

3. Timing of Development.

No development activity authorized by this permit shall occur from Memorial Day weekend to August 15th, inclusive, of any calendar year.

4. Nesting Bird Monitoring and Avoidance Plan.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a Nesting Bird Monitoring and Avoidance Plan that shall include but not be limited to the following provisions:

If project activities must occur during bird nesting season (February 1st through August 31st), a qualified biologist, with experience conducting bird surveys, shall survey for active songbird nests within 300 feet of construction activities, and active raptor nests within 500 feet of construction activities, no more than three days prior to commencement of project activities.

a) If the survey yields no nesting birds, no follow-up surveys are necessary unless construction is paused for five days or more.

b) If the survey yields nesting birds:

i. Additional surveys shall take place once a week thereafter during construction until a qualified biologist determines that the young have fledged, the nest has been abandoned, or noise monitoring indicates that noise levels remain below a 65 dB(A) equivalent continuous noise level at the location of the nest.

ii. The qualified biologist shall halt construction activities to enable the applicant to employ best management practices (BMPs) to ensure that construction activities do not disturb or disrupt nesting activities. Such BMPs include, but are not limited to, nesting buffers of no less than 500 feet for raptors, 300 feet for special status species, and 100 feet for other bird species and noise monitoring to ensure noise levels remain below a 65 dB(A) equivalent continuous noise level at the location of the nest.

iii. Noise levels at active nest sites shall not exceed 65 dB(A) unless a noise study has determined that ambient noise in the immediate area exceeds that level. If this is the case, noise levels at the nest site shall not exceed the ambient noise level measured. Noise reducing BMPs may include using alternative equipment, equipment noise buffering, sound blankets, etc. Alternatively, construction activities and schedules may be adjusted to avoid active nest areas until the respective young birds have fledged.

iv. Unrestricted construction activities may resume when a qualified biologist determines that no active songbird nests remain within 300 feet of the construction area and no raptor nests remain within 500 feet of the construction area. Follow-up surveys remain necessary if construction is paused for five days or more.

The qualified biologist shall have the ability to halt work whenever deemed necessary to protect nesting birds. Results of nesting bird surveys, ambient noise surveys, and any follow-up construction avoidance measures shall be documented in monthly reports by the qualified biologist and submitted to the Executive Director throughout the bird breeding season.

5. Construction 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:

i. 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 Section H).

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.

ii. 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 beach or 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 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 within 24 hours.

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.

6. 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 that substantially conforms with the plan submitted to the Commission. 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. 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).

iv. The discharge of dry weather runoff to coastal waters shall be minimized, to the greatest extent feasible. Use strategies such as efficient irrigation techniques that minimize off-site runoff.

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 changes.

7. Disposal of Graded Material

PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of any excess graded materials. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successor in interest.

8. Protection of Archaeological and/or Tribal Cultural Resources

The landowner/permittee shall undertake development in compliance with the following mitigation measures to protect archaeological resources, including tribal resources:

a) AT LEAST ONE MONTH PRIOR TO COMMENCEMENT OF ANY GROUND-DISTURBING CONSTRUCTION ACTIVITIES, the permittee shall (i) notify in writing, email, and/or phone calls, as necessary, the representatives of Native American Tribes listed on an updated Native American Heritage Commission (NAHC) contact list; (ii) invite all Tribal representatives on that list to be present and to monitor ground-disturbing activities; and (iii) arrange for any invited Tribal representative that requests to monitor and a qualified archaeological monitor to be present to observe project activities with the potential to impact

archaeological and/or tribal cultural resources. A qualified archaeological monitor means qualified at a minimum by the California Office of Historic Preservation (OHP) standards. The monitor(s) shall have experience monitoring for archaeological resources of the local area during excavation projects, be competent to identify significant resource types, and be aware of recommended Tribal procedures for the inadvertent discovery of archaeological resources and human remains. Evidence of written notification shall be made available to the Executive Director upon request.

b) If an area of tribal cultural and/or archaeological resources is discovered during ground-disturbing activities, all construction shall cease and shall not recommence except as provided in subsection (D) hereof, and the permittee shall immediately notify and retain a tribal cultural resource specialist and a qualified archaeologist to analyze the significance of the find in consultation with the Native American Tribes listed on the NAHC list. The archaeologist and tribal cultural resource specialist shall immediately notify the Tribes on the NAHC list. Significance testing may be carried out only if acceptable to the affected Native American Tribe(s), in accordance with a Significance Testing Plan. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the monitor(s). Project activities may continue outside of the exclusion zone.

c) Should human remains be discovered on-site during the course of the project, immediately after such discovery, the on-site archaeologist and/or Native American monitor shall notify the county coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. An "exclusion zone" may be established around the discovery area. If the county coroner determines that the human remains are those of a Native American, the coroner shall contact the NAHC within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. The landowner/ permittee shall comply with the requirements of Section 5097.98 and work with the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of notification to NAHC, the permittee/ landowner shall notify the Coastal Commission's Executive Director of the discovery of human remains and identify any changes to the proposed development or mitigation measures that may be needed related to the inadvertent discovery. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site. The Executive Director shall determine whether the identified changes are de minimis in nature and scope.

d) A permittee seeking to recommence project activities within an exclusion zone following discovery of tribal cultural or archaeological resources (excluding the discovery of human remains, which shall follow Section 5097.98 as noted in (C) above) shall submit a Supplementary Archaeological Plan (SAP) prepared by the project archaeologist in consultation with the Native American Tribes listed on the NAHC list. The SAP shall be submitted for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

What is currently known as Torrey Pines State Natural Reserve ("Torrey Pines Reserve") was transferred to the oversight of the State of California in 1956 and, through years of acquisitions, now covers approximately 2,000 acres of beaches, bluffs, uplands, a river, lagoon, riparian habitat, and wetlands. The Torrey Pines Reserve draws over three million visitors per year. The California Department of Parks and Recreation ("State Parks") is proposing to install numerous accessibility and utility upgrades to the Torrey Pines Reserve, which is located in the northern University community of the City of San Diego ("City"). (Exhibit 1)

The accessibility upgrades would consist of the demolition of a long-dormant one-story comfort station and its adjacent below-grade septic system and construction of a new, one-story, 14-ft. tall, 750 sq. ft. comfort station in the same location. Upgraded Americans with Disabilities Act (ADA) accessible parking spaces would be created in the East Parking Lot adjacent to the Visitor Center and additional ADA spaces would be added to the West Parking Lot adjacent to the aforementioned comfort station across Torrey Pines Park Road, the sole internal circulation road (Exhibit 2). Existing dirt pedestrian paths adjacent to the parking lots and Visitor Center would be paved and new paved pedestrian paths constructed to permit greater wheelchair use, while accessible benches and water fountains would be installed.

The utility upgrades would consist of replacing the dormant septic system previously serving the disused comfort station with 4,300 feet of a new 4-inch sewer main and two primary lift stations at the West Parking Lot and additional lift stations with 3,500 feet of 2-inch mains at the Fleming House, Visitor Center, and maintenance yard to convey sewage south to the City of San Diego's sewage system outside of the Torrey Pines Reserve. The existing failing 4-inch potable water line serving water fountains and park facilities would be replaced with 5,500 feet of new, 4-inch and 8-inch water lines serving potable and fire systems (with five new hydrants), respectively, connected to the City of San Diego's water system. Finally, 4,500 feet of new electrical and telecommunication conduits would be installed from the Torrey Pines Reserve's southern boundary to the Fleming House, Visitor Center, maintenance yard, and new comfort station. The utility upgrades would extend from approximately 1,000 feet south of the Torrey Pines Reserve's southern pedestrian entrance, continue up along Torrey Pines Park Road, and end at the Fleming House roughly 925 feet northwest of the Visitor Center (Exhibit 3).

Installation of the accessibility and utility improvements will consist of both above grade and below grade work, with the latter being achieved through a mix of excavation, trenching, and directional drilling. Staging and storage of equipment and excavated materials will occur in the West and East Parking Lots by the Visitor Center, while a temporary trailer for use by State Parks staff during active construction will be placed at the South Beach Parking Lot to the north of the project site. Due to the abundance of

habitat and its use by sensitive species such as the California gnatcatcher, State Parks is proposing to conduct development activity in two stages from August 2025 to February 2026 and from August 2026 to February 2027 so as to avoid gnatcatcher breeding season.

The Commission has certified the Land Use Plan for the University Community planning area of the North City LCP segment, within which the Torrey Pines Reserve is located, and the City of San Diego has assumed coastal development permit authority for most of the community. However, Torrey Pines State Natural Reserve is operated by the California Department of Parks and Recreation, a state agency, and the Torrey Pines Reserve is located in both the jurisdictions of the Coastal Commission and the City of San Diego. Pursuant to Coastal Act Section 30601.3, with the consent from the applicant and the City, the permit for the entire project is being processed as a consolidated by the Coastal Commission, with Chapter 3 policies of the Coastal Act as the legal standard of review and the City's certified LCP used as guidance.

B. Public Access and Recreation

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 relevant 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.

Section 30212.5 of the Coastal Act states:

> Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the

impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30214 of the Coastal Act states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

Accessibility Improvements

Torrey Pines Reserve is one of the most visited coastal destinations in San Diego County, consisting of hundreds of acres of beaches, bluffs, wetlands, and uplands. Due to its size, elevation changes, and habitat, it is substantially undeveloped, with limited developed space in which to place visitor amenities. Due to the age of the Torrey Pines Reserve and the facilities therein, many accessibility features common today are not readily present. The existing comfort station adjacent to the West Parking Lot was constructed in 1960 and once provided service to approximately 700,000 visitors annually. When in operation, sewage would be directed to a nearby leach field. Due to the age of the system, it experienced periodic failures, resulting in above ground ponding of sewage, posing an environmental and public health hazard. Consequently, the comfort station has been closed for several years and visitors currently utilize a row of portable toilets within the West Parking Lot, which can prove challenging to use for less mobile members of the public. Thus, the applicant proposes to construct a new, modern comfort station that will provide both standard and ADA-accessible facilities and tie into the City's sewage infrastructure.

Furthermore, the East and West Parking Lots can experience outsize demand for accessible parking spaces during periods of high public visitation. Currently, there are two accessible parking spaces each in the East and West Parking Lots. The project will increase the number of accessible spaces to four in the West Parking Lot, as well as upgrade all the accessible spaces in both lots to van-accessible designs.

The proposed installation of additional accessible parking spaces in both the East and West Parking Lots will help ameliorate current shortages, and the restriping of the existing parking lots to install the new accessible parking spaces will not result in the loss of parking volume. Furthermore, infrastructure for a total of six electric vehicle-ready stalls and two electric vehicle charging stalls will also be built into the West Parking Lot, making the Torrey Pines Reserve more attractive to a greater swath of the public.

In addition to parking, pedestrians at the Torrey Pines Reserve utilize unpaved paths adjacent to and leading away from the parking lots and Visitor Center in order to move around. These paths, primarily composed of decomposed granite or compacted earth, can prove difficult to traverse for members of the public utilizing a wheelchair. In order to increase accessibility, the proposed project will reconstruct a portion of the existing pathways and ramps in order to pave them in cement and change their grades to those required by the ADA, as well as construct new paved pedestrian paths leading between and from the parking lots and Visitor Center (Exhibit 3). Furthermore, some benches and drinking fountains will be replaced with more accessibly designed models.

Timing and Staging

While the purpose of the project is to improve and expand public access, construction itself has the potential to disrupt public access to the park. State Parks plans to complete the upgrades in two phases: August 2025 – February 2026 and August 2026 – February 2027, to avoid overlapping with the breeding season of the California gnatcatcher, a special status species found in the Torrey Pines Reserve. This schedule would partly overlap with the summer season, typically defined as from Memorial Day weekend to Labor Day, when visitor volumes are highest, and when the Coastal Commission typically prohibits development activity to ensure the maximum amount of public access and recreation opportunities, including parking and open space are available for public use. State Parks has stated that while some of the work overlaps with the busy summer season, adhering to the already-constrained schedule means that further constraints of a full summer moratorium make it much more likely that a third construction window in 2027 would be required in order to complete the work, increasing cost and delaying the provision of upgraded public amenities. In this particular case, due to the already constrained window that State Parks is adhering to in order to minimize impacts to California gnatcatchers, State Parks has requested that some work in August be permitted. Recognizing that the proposed development will substantially upgrade public amenities at one of the most popular coastal destinations in the county, and that the majority of the busy summer season will occur prior to the state of construction in a given year, **Special Condition No. 3** addresses timing limitation on construction activity by prohibiting development activity from Memorial Day weekend to August 15th, in order to promote the quicker availability of public access improvements.

Staging and storage of equipment and materials would be confined to existing parking lots within the project footprint, along with temporary placement of a trailer in the South Beach Parking Lot for State Parks staff to utilize while the construction area is closed

off. (Exhibit 3). The West Parking Lot contains approx. 44 parking spaces, the East Parking Lot contains approx. 33 spaces, and the South Beach Lot at the base of the Torrey Pines Reserve to the north of the project area contains approx. 246 spaces. During the five-month period between August and February when work is being conducted, public access to both the East and West Parking Lots would be closed off due to safety concerns and the need for all of the space to stockpile excavated soils, which must be analyzed by hand by cultural monitors prior to export or reuse, and equipment storage. Because the majority of the Torrey Pines Reserve is open space and developed areas such as parking lots are limited in space, the complete closure of two out of three parking lots, as well as the partial occupation of the third by temporary staff trailers, will impact the ability of the public to readily access much of the trail system. However, the Coastal Commission recognizes that State Parks is constrained in how it can stage and time its construction activity due to the high volume of open space habitat. Furthermore, public access to the Torrey Pines Reserve would still be feasible during construction, as parking would remain available along North Torrey Pines Road and part of the South Beach Parking Lots, with the majority of the trail system staying open. **Special Condition No. 1** requires that final construction plans be submitted for review and approval to ensure that the authorized public access improvements are provided in their approved design, while also requiring a staging and storage plan that utilizes the minimum amount of park space necessary to provide adequate support for construction.

Thus, as conditioned, the proposed development can be found consistent with the public access policies of Chapter 3 of the Coastal Act and the City's certified LCP.

C. Biological Resources

Section 30240 of the Coastal Act states:

> (a) Environmentally sensitive habitat areas shall be protected against any significant disruptions 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.

Section 143.0141 of the San Diego Land Development Code states in relevant part:

> §143.0141 Development Regulations for Sensitive Biological Resources
>
> Development that proposes encroachment into sensitive biological resources requires a development permit in accordance with Section 143.0110, unless exempted pursuant to Section 143.0110(c) and is subject to the following regulations and the Biology Guidelines in the Land Development Manual.

(a) General Regulations for Sensitive Biological Resources

(1) All development occurring in sensitive biological resources is subject to a site-specific impact analysis conducted by a qualified Biologist, in accordance with the Biology Guidelines in the Land Development Manual. The impact analysis shall evaluate impacts to sensitive biological resources and CEQA sensitive species. The analysis shall determine the corresponding mitigation, where appropriate, and the requirements for protection and management…

Torrey Pines Reserve covers 2,000 acres of beach, bluff, upland, lagoon, and wetland habitat, utilized by myriad sensitive species. The overall purpose of the project is to support public use of the Torrey Pines Reserve, which offers recreational activities such as hiking, birdwatching, docent-led tours, historic displays, and marine recreation, activities that are all dependent on the resource. Due to the Torrey Pines Reserve's substantial volume of habitat area, often extending immediately adjacent to the visitor infrastructure such as the parking lots, Visitor Center, and circulation road, it was determined that resource impacts would be best avoided by working within the existing developed areas to the maximum extent feasible. A substantial amount of the utility line installation will occur within or adjacent to the footprint of Torrey Pines Park Road, which is 16 feet wide with unpaved shoulders of 2-8 feet in width, as well as park infrastructure to the maximum extent feasible, while the new comfort station will be located in the same location of the existing comfort station slated to be removed (Exhibit 3). Though some excavation will be required for certain utility trenching and removal of the defective septic system next to the existing comfort station, horizontal directional drilling would be implemented in some locations (e.g. the comfort station, Visitor center, and Fleming House) to prevent disturbance of sensitive resources. However, the placement of lateral lines and ancillary facilities to connect the new main lines to the existing and new structures would result in some habitat impacts. Additionally, some of the new access improvements consist of constructing new paved pedestrian paths in vegetated areas adjacent to the parking lots where there are currently no paths (Exhibit 3). Thus, while impacts have been minimized, some impacts to native vegetation, which the Coastal Commission's ecologist has determined to be Environmentally Sensitive Habitat Area (ESHA), are anticipated.

Within the Torrey Pines Reserve and adjacent to the project footprint, numerous special status plants, wildlife, and sensitive natural communities exist. State Parks submitted a biological technical report and related habitat restoration plan, both dated February 2, 2024, from ECORP Consulting, Inc. Despite the high volume of sensitive habitat within Torrey Pines Reserve, impacts to vegetation will be minimized due to the siting of most development within existing disturbed and developed areas. Upon review of the report and relevant data by the Coastal Commission's staff ecologist, the habitat impacts and related mitigation equate to 0.0819 acres (3568 sq. ft.) of permanent impacts to ESHA. This acreage includes impacts to southern maritime chaparral, coastal sage scrub, and Torrey pine forest, all of which are considered rare and valuable and are vulnerable to

anthropogenic degradation. At a 3:1 ratio, these impacts require 0.2457 acre of mitigation. In addition, there will be 0.249 acres of temporary impacts to the same vegetation communities characterized as ESHA requiring 0.249 acres of mitigation at a 1:1 ratio, for a total of 0.4947 acres of required mitigation. As State Parks is proposing 0.554 acres of in-kind southern maritime chaparral, coastal sage scrub, and Torrey pine forest mitigation, it is providing the requested ratio of mitigation with a small contingency amount (approx. 0.05 acre) to ensure adequate mitigation of the anticipated impacts.

Impacts to vegetated habitat will be offset through substantial restoration of native habitat in-place or at designated locations within the Torrey Pines Reserve, all overseen by a habitat mitigation and monitoring plan of no less than five years in duration. The proposed mitigation sites include a variety of habitat conditions, all of which have sustained some sort of disturbance in the past. The three categories of vegetation communities to be restored within the mitigation sites include Torrey pine forest; southern maritime chaparral-coastal sage scrub-maritime succulent scrub; and coastal sage scrub associated with Torrey pine forest. The final success criteria are based on observed cover and diversity in adjacent habitat areas, and the criteria anticipate the growth and diversity of native species over a five-year period to arrive at the final acreage. At the suggestion of Coastal Commission staff, criteria for high and moderate threat non-native plant species, as designated by the California Invasive Plant Council (Cal-IPC) and interim-year survival criteria, will be incorporated into the mitigation plan.

While some trimming and removal of trees and shrubs is anticipated, including some special status species such as Torrey pines, impacts to special status wildlife are not anticipated due to timing and avoidance measures. While State Parks will limit work to the period of August – February to avoid California gnatcatcher breeding season, that schedule still leaves some work overlapping with the broader bird breeding season, which typically runs from February 1st to September 15th. Because the vegetated habitat extends up the project area and construction activity will utilize a wide variety of heavy equipment, there is the possibility that nesting activity can be adversely affected should noise or the presence of workers scare off nesting birds or cause fledglings to prematurely attempt to leave the nest.

To minimize the potential impacts to habitat and wildlife to the greatest extent feasible, **Special Condition No. 1** requires the submittal of final construction plans to ensure that the extent of development does not exceed the minimum authorized to meet the goals of improved access as well as final staging plans to ensure that equipment staging does not encroach into vegetated areas. **Special Condition No. 2** requires the submittal of a final habitat mitigation and monitoring plan to ensure that all anticipated habitat impacts are accounted for and adequately mitigated in a program that ensures that all new mitigation sites clearly meet success criteria. **Special Condition No. 4** requires that all work occurring during the general bird breeding season of February 1st to September 15th of any calendar year conduct pre-construction nesting surveys by a qualified specialist to identify nests and implement appropriate protective measures such as buffers and noise limits.

Thus, as conditioned, the proposed development can be found consistent with the habitat protection policies of Chapter 3 of the Coastal Act and the certified City of San Diego Local Coastal Program.

D. Marine Resources and 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.

Torrey Pines Reserve consists of thousands of acres of open space habitat ranging from beaches, tidal wetlands, lagoons, bluffs, uplands, and vernal pools. Much of the Torrey Pines Reserve, including the project site, is located atop a coastal plateau more than 300 feet above mean sea level. As such, runoff that does not infiltrate into the soil flows down ravines and canyons to the beach and coastal waters below.

Construction of the proposed improvements to the Torrey Pines Reserve will utilize several different types of heavy machinery, such as excavators, front-end loaders, forklifts, cranes, boom trucks, pick-up trucks, directional drill, cement truck, and end dumps. Over 4,000 cubic yards of soil will be excavated during the course of the development and stockpiled in the East Parking Lot to be analyzed by hand by archaeological monitors before it is either redeposited or exported.

With regard to water quality protection, the proposed project will have a Storm Water Pollution Prevention Plan (SWPPP) prepared by a qualified SWPPP entity, addressing construction activities. The SWPPP will adhere to the State of California’s General Permit for Discharges of Storm Water Associated with Construction Activity, Order 2022-0057-DWQ (General Permit) and the 2022 California Green Building Standards Code, Section 5.106 – Site Development.

However, the water bodies in Torrey Pines Reserve are impaired due to excess sediment, impacting their ability to support aquatic habitats. Therefore, in addition to the proposed SWPPP addressing construction and ground disturbing activities, the project improvements should be designed to infiltrate one hundred percent of stormwater runoff on-site, or as close to it as feasible, to prevent the discharge of stormwater and associated pollutants from the site. Currently, some of the drainage from the West Parking Lot enters a stone channel at the northwest corner, which in turn leads to a ravine that is part of the natural drainage system flowing down to the beach (Exhibit 3). Continued runoff flowing through the stone channel into the ravine could carry sediments, petroleum, heavy metals, and trash downstream, impacting water quality. In addition, while the majority of the development will be sited in currently disturbed and developed areas, there will be an increase in impermeable surface area due to the paving of existing pedestrian paths and installation of new paved paths to provide greater ADA access.

State Parks has argued that as a state ecological reserve, its ability to affect resources is limited in order to preserve natural features. The proposed development would not construct new facilities but rather replace facilities in-kind and upgrade existing facilities for accessibility and utility services. For the accessibility improvements, the implementation of source control and site design requirements would be met by adding new curbs and sidewalks designed to direct runoff that currently flows into the parking lot instead toward adjacent vegetated areas, minimization of impervious footprints and aisle widths to the minimum necessary to meet accessibility requirements, and minimal grading to minimize disturbance of natural drainage patterns. State Parks argues that substantially altering drainage patterns could negatively affect adjacent vegetation that depends on runoff flows. Additionally, the site is underlain with old paralic deposits, which contribute to low infiltration rates.

State Parks notes that the proposed project design reduces the area drainage onto the existing West Parking Lot by the addition of a curb on the north side of the parking lot to retain stormwater within a vegetated island. In addition, the adjacent sidewalk on the south side of the parking lot drains to vegetated areas and does not contribute to the parking lot drainage. The existing discharge rock channel will also be improved to include check dams to reduce velocity and capture sediment. However, to direct all of the West Parking Lot's drainage away from the rock channel and toward the south next to the proposed comfort station would require a redesign of the project to install a long gravity sewer pipe or a pump station, which would increase the cost and duration of the project and increase impacts to ESHA.

To ensure that water quality benefit from the removal of a defective septic system and comfort station is implemented, **Special Condition No. 1** requires the submittal of final construction plans. **Special Condition No. 5** requires the submittal of construction pollution prevention plan that meets listed criteria containing approved avoidance and clean-up measures. **Special Condition No. 6** requires the submittal of a post-construction Best Management Practices Plan that denotes the various structural and operational measures that will ensure the long-term avoidance, capture, and treatment

of runoff from the project site. **Special Condition No. 7** requires that any excavated material not reused on site and exported off site must be deposited outside of the coastal zone.

Thus, as conditioned, the project can be found consistent with the water quality policies of Chapter 3 of the Coastal Act.

E. Cultural Resources

Section 30244 of the Coastal Act states:

> Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

State Parks conducted initial consultation for this project starting in June 2016 with a request to the Native American Heritage Commission (NAHC) for a search of the Sacred Lands files and a Tribal Consultation contact list. The NAHC responded on June 9, 2016, with a letter stating the search was negative for the project area and a list of fifteen Kumeyaay/Diegueno Tribal groups to contact. On July 20, 2016, State Parks sent letters to all fifteen organizations describing the project and details of known archaeological sites and previous work in the area. Responses were received from the Kwaaymii Laguna Band of Mission Indians and the Iipay Nation of Santa Ysabel. Both groups requested that Native American monitors be present during all ground-disturbing work for the project. Native American monitors from Red Tail Environmental were present during the geotechnical testing archaeological testing in 2018.

As a result of this tribal coordination and to avoid potential resource impacts, it is important that State Parks include a registered professional archaeologist or Native American monitor to oversee all ground disturbing/grading activities, including contracting with an archaeological monitoring firm to act as the project Cultural Resources Manager and provide continuity in monitoring activities. The archaeologist or Native American monitor will attend a preconstruction meeting with the construction manager or grading contractor and other appropriate construction personnel. Should cultural resources be unearthed during construction, construction would be halted and the discovery and notification plan would be implemented. This includes notification of the appropriate tribes (including the Kumeyaay Cultural Repatriation Committee (KCRC) and any required entities) as soon as practicable, a determination of significance of the unearthed resources and adhered to any additional procedures as required, and creation of a final result report that describes the results, analysis, and conclusions of the archaeological monitoring program. All materials determined to be a tribal cultural resource that are removed shall be returned to the appropriate tribe or reburied in an appropriate location agreed upon by the tribe. The reburial location will be privately documented and will not be subjected to ground-disturbing activities in the future.

Special Condition No. 8 ensures that any archaeological or paleontological cultural resources that may be present on site receive proper protection through a delineated coordination, monitoring, and reporting program. Furthermore, **Special Condition No. 8** requires that State Parks report all discoveries appropriate tribal authorities, such as the Kwaaymii Laguna Band of Mission Indians and Iipay Nation of Santa Ysabel, as well as a requirement for at least one pre-grading conference with the project manager, grading contractor, and Kumeyaay cultural monitor and archaeological monitor to discuss the potential for the discovery of archaeological, cultural, or paleontological resources.

Thus, as conditioned, the project is consistent with the cultural resource protection 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.

The Commission has certified the Land Use Plan for the University Community planning area of the North City LCP segment, within which the Torrey Pines State Natural Reserve is located, and the City of San Diego has assumed coastal development permit authority for most of the community. However, Torrey Pines State Natural Reserve is operated by the California Department of Parks and Recreation, a state agency and is located in both the jurisdictions of the Coastal Commission and the City of San Diego, which has indicated its acquiescence to the Coastal Commission processing a consolidated permit. Thus, the coastal development permit is being processed by the Coastal Commission and Chapter 3 of the Coastal Act is the standard of review and the City's certified LCP.

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 issued a Mitigated Negative Declaration (SCH# 2019079067, dated September 2019) for the proposed development and determined that the proposed development would result in ess-than-significant impacts as mitigated in accordance with Section 15064(f) of CEQA Guidelines.

The proposed project has been conditioned to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing final project design, staging and storage, construction pollution prevention, nesting bird

avoidance, and archaeological monitoring, 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

- “Habitat Restoration Plan for the Utility and ADA Improvements Project at Torrey Pines State Natural Reserve,” dated February 2, 2024, by ECORP Consulting, Inc.

- “Biological Technical Report Utility and ADA Improvements Project for the Torrey Pines State Natural Reserve,” dated February 2, 2024, by ECORP Consulting, Inc. and Blackhawk Environmental