

RESOLUTION NUMBER R- 311839

DATE OF FINAL PASSAGE JUN 19 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING COASTAL DEVELOPMENT PERMIT NO. 2071028 AND SITE DEVELOPMENT PERMIT NO. 2082090 FOR THE COAST BOULEVARD EMERGENCY BEACH ACCESS STAIRCASE REPLACEMENT PROJECT - PROJECT NO. 584224.

WHEREAS, the City of San Diego Public Works Department (Owner/Permittee), has filed an application for Coastal Development Permit (CDP) No. 2071028 and Site Development Permit (SDP) No. 2082090 (collectively "Permits") after the completion of the Coast Boulevard Emergency Beach Access Staircase Replacement Project – Project No. 584224 (Emergency Project); and

WHEREAS, the Emergency Project was in response to severe damage caused by the 2015-2016 winter storms to a public accessway staircase located between 100 Coast Boulevard and 202 Coast Boulevard, legally described as Block 1 Lots 12 through 38 recorded in Document No. 82-102678, La Jolla Community Planning Area, in the OP-1-1 (Open Space) Base Zone and Coastal Overlay Zone-Appealable; and

WHEREAS, as a condition of emergency CDP No. 1770703, which permitted the Emergency Project, and also due to the staircase being located within Environmentally Sensitive Lands (Coastal Bluff), a subsequent CDP and SDP are required upon completion of the work, in accordance with San Diego Municipal Code sections 126.0718(g) and 143.0126(f)(3), (g); and

WHEREAS, the matter was set for public hearing on **June 19, 2018**, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to the Permits:

**I. COASTAL DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0708(a)**

**1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public access way identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The winter storm event of 2015-16 caused huge waves and destroyed the previously existing wooden beach access staircase located between 100 and 202 Coast Boulevard which provides an accessway to the La Jolla coastline. On August 2, 2016, the City of San Diego Development Services Department issued Emergency CDP No. 1770703. Subsequently, a new concrete staircase was constructed in the same location under emergency approval. The approval was necessary due to significant damage and potential threat to public safety.

The project does not encroach nor detrimentally affect any existing accessway identified in the Local Coastal Program (LCP) land use plan. Conversely, the staircase replacement project improves the physical accessway that is legally used by the public by replacing a damaged wooden staircase with a concrete staircase. The replacement of this beach access staircase to a safe condition improves safe public access to the La Jolla shores/beach and will implement the shoreline accessibility goals of the La Jolla Community Plan. In addition, the project was designed to protect public views to and along the ocean. The repairs also enhance the visual aesthetics of the area by replacing a damaged staircase with a modern design that matches the adjacent seawall.

**2. The proposed coastal development will not adversely affect environmentally sensitive lands.** This beach access staircase repair, improvement, and replacement project is located within 50 feet of a Coastal Bluff Edge, Multi-Habitat Planning Area (MHPA), Coastal Overlay Zone-Appealable, and Open Space Base Zone. San Diego Municipal Code section 143.0143 (a) and (h) allows essential public facilities including stairways on a coastal bluff only if the accessway is identified in the approved land use plan or is in an area historically used by the public. This project meets both criteria of the coastal bluff regulations as the existing public

access stairway is identified in the La Jolla Community Plan, LCP land use plan, and has historically been used by the public. The project does not adversely affect the sensitive coastal bluff as the beach access staircase was replaced-in-place in the same location.

A small portion of the project's northwest corner is within the MHPA. During the emergency work, the MHPA Land Use Adjacency Guidelines were employed to reduce potential impacts from drainage/toxins. Therefore, the overall project does not and will not adversely affect any sensitive biological resources.

**3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The project was emergency repair and replacement of an existing beach access staircase. The project site is located within the La Jolla Community Plan and LCP land use plan. The shoreline of La Jolla provides recreational opportunities of regional and state-wide significance. A key component of adequate access is the maintenance of existing facilities including stairways, pathways, and parking areas. The maximum use and enjoyment of La Jolla's shoreline is dependent upon providing safe and adequate public access. The La Jolla LCP land use plan identifies two types of physical access: lateral (movement along the shoreline) and vertical (access to the shoreline from a public road). This staircase provides vertical access near 100 South Coast Boulevard within the La Jolla Community Plan Sub Area F: Windansea Shoreline Access. A paved dedicated walkway along the north side of 100 South Coast condominium development provides access from South Coast Boulevard to Nicholson's Point Park as required by the Coastal Commission. A wood access stairway at the end of the walkway historically facilitated access down the bluff to the rock. However, the winter storms of 2015-16 damaged the access stairway and an emergency CDP was issued to repair and replace portions of the stairway. Given that the development of the access stairway was required by the Coastal Commission for public use and is identified in the La Jolla LCP land use plan, the project is in conformity with the applicable land use plan and complies with all regulations of the certified Implementation Program.

**4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The replacement of the beach access staircase within a City easement is located between the Pacific Ocean to the west and Coast Boulevard to the east, a first public roadway. The purpose of the access staircase is to provide the public vertical access to the shoreline and coastal beach of La Jolla. The shoreline of La Jolla provides recreational opportunities of regional and state-wide significance. A key component of adequate access is the maintenance of existing facilities including stairways, pathways, and parking areas. The maximum use and enjoyment of La Jolla's shoreline is dependent upon providing safe and adequate public access. This CDP implements the public access and public recreation policies of Chapter 3 of the California Coastal Act. The existing staircase is identified in the La Jolla Community Plan Sub Area F: Windansea Shoreline Access. This after-the-fact CDP will finalize the emergency repair and replacement of the staircase located between 100 and 202 Coast Boulevard in La Jolla. The project improves the physical accessway that is legally used by the public by replacing a damaged staircase with an

updated staircase to provide public access and recreational opportunities to the shorelines of La Jolla/Nicholson's Point Park. Therefore, this project is in conformity with the public access and public recreation policies of the California Coastal Act.

## **II. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)** **SECTION 126.0505**

### **A. Findings for all Site Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed project is located within the La Jolla Community Plan and LCP land use plan. The shoreline of La Jolla provides recreational opportunities of regional and state-wide significance. A key component of adequate access to the shoreline is the maintenance of existing facilities including stairways, pathways, and parking areas. The maximum use and enjoyment of La Jolla's shoreline is dependent upon providing safe and adequate public access. The La Jolla LCP land use plan identifies two types of physical access: lateral (movement along the shoreline) and vertical (access to the shoreline from a public road). The staircase replacement project provides vertical access near 100 South Coast Boulevard within the La Jolla Community Plan Sub Area F: Windansea Shoreline Access. A paved dedicated walkway along the north side of 100 South Coast condominium development provides access from South Coast Boulevard to Nicholson's Point Park as required by the Coastal Commission. Repairing this access stairway to a safe condition for public use improves public access to the beach consistent with the goals the LCP land use plan. The repairs also enhance the visual aesthetics of the existing public facilities. Therefore, it does not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The beach access staircase replacement project replaced a wooden staircase severely damaged by the winter storms of 2015-16. The site is located between residences at 100 and 202 Coast Boulevard within the La Jolla Community Plan and its LCP land use plan. The replacement staircase consists of a concrete foundation embedded in bedrock. The lower flight of stairs was reconstructed utilizing the existing concrete stairs and thus the alignment and footprint of the staircase did not change significantly. The damaged concrete of the lower flight of stairs was repaired and concrete was poured to form new treads. The staircase is five feet wide with twelve-inch-wide treads and six-inch risers, which now meets the current California Building Code Stair Regulations and City Standards. The upper landing is constructed of concrete supported by a 36-inch diameter, concrete column, which is supported by the embedded foundation. The staircase is self-supporting and does not impose loads on the adjacent seawall. New handrails and posts were also installed and a concrete color was chosen to match the adjacent seawall as closely as possible. This design considered factors, such as geological condition, tidal fluctuations, wave run analysis, and sea-level rise. Therefore, the project will improve public health and safety by replacing the existing staircase with a modern design which meets the current code.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The project site is located within the Coastal Overlay Zone (Appealable) and is within 50 feet of a Coastal Bluff Edge. However, San Diego Municipal Code

section 143.0143 (a) and (h) allows essential public facilities including stairways on a coastal bluff only if the accessway is identified in the approved land use plan or is in an area historically used by the public. This project meets both criteria of the coastal bluff regulations as the existing public access stairway is identified in the La Jolla Community Plan, LCP land use plan, and is historically used by the public. In addition, this project has been designed in accordance with the applicable regulations of the Land Development Code. The access stairway/public facility is specifically permitted within the applicable LCP land use plan and the sensitive coastal bluff. The new access staircase was built in the same location as the old stairs and limited disturbance to adjacent areas to the greatest extent possible.

## **B. Supplemental Findings - Environmentally Sensitive Lands**

**1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The winter storm event of 2015-16 destroyed the previous wooden beach access staircase that provided an accessway to the La Jolla coastline and beach. This project replaced the previous wood staircase with a modern concrete staircase that was designed based on environmental factors such as geologic conditions, tidal fluctuations, wave run analysis, and sea-level rise. The new staircase was constructed over the old footprint and included the replacement of railings and damaged portions of the stairway/landings. The proposed improvements were the minimal necessary to protect the adjacent sensitive coastal bluffs while providing a modern staircase for pedestrian beach access. No physical change to the environment occurred as a result of the replacement work.

**2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The new staircase was replaced in the same location, which is located within 50 feet of a sensitive coastal bluff. The proposed improvements were the minimal necessary to protect the natural land form and sensitive coastal bluff. The staircase was replaced within the same footprint/location and utilized the existing bedrock as its foundation. In addition, the project's design was based on factors, such as geological condition, tidal fluctuations, wave run analysis, and sea-level rise in order to minimize erosional forces. The previous wood staircase was replaced with a non-combustible concrete design that will protect it from erosional forces, flood, and fire hazards. New handrails and posts were installed and a concrete color was chosen to match the adjacent seawall as closely as possible. No physical change in the environment has occurred as a result of the construction of the new stairs. Therefore, the project will not have an adverse impact to the natural land forms and will not result in undue risk from geologic forces, flood hazards, and/or fire hazards.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The beach access staircase replacement project is located within the Coastal Overlay Zone-Appealable and is within 50 feet of a sensitive coastal bluff. Coastal bluffs are considered a sensitive resource under the environmentally sensitive lands regulations and the development was limited to the existing footprint of the previous staircase. All improvements were designed to minimize disturbance to the adjacent bluffs. In addition, during the construction, the project implemented standard best

management practices in regard to drainage, toxins, noise, and MHPA land use adjacency guidelines to avoid any adverse impacts to environmentally sensitive lands, sensitive coastal bluffs, and sensitive biological resources. The replacement of the staircase within the same location is supported by San Diego Municipal Code section 143.0143 (a) and (h) that allows essential public facilities including stairways on a coastal bluff only if the accessway is identified in the approved land use plan or is in an area historically used by the public. Therefore, the project is sited and designed to prevent adverse impacts to the adjacent sensitive coastal bluffs.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** As part of the MSCP, the MHPA delineates core biological resource areas and corridors targeted for conservation. The Project's northwest corner is slightly within the MHPA. The project was constructed in compliance with the applicable MHPA Land Use Adjacency Guidelines to reduce potential impacts from drainage/toxins. Therefore, this project did not adversely affect any environmentally sensitive lands under the MSCP. Since there are no impacts to the MHPA related to this development, the project is consistent with the goals of the MSCP and Subarea Plan.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The new staircase was built on the previous staircase's footprint and will not contribute to the erosion of public beaches or adversely impact local shoreline supply. In addition, the project's design was based on factors, such as geological condition, tidal fluctuations, wave run analysis, and sea-level rise in order to minimize erosional forces. No physical change in the environment would occur as a result of the approval of the CDP and SDP since the work has already been completed.

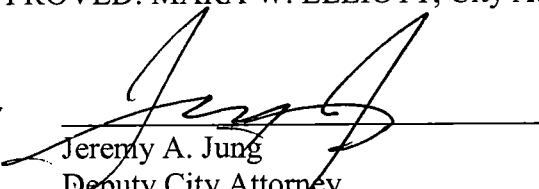
**6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The winter storm event of 2015-16 destroyed the previous wooden beach access staircase that provided an accessway to the La Jolla coastline and beach. The emergency repair work is completed and the project has been determined to be exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities). At the time of construction, the project complied with all applicable best management practices to minimize impacts to the nearby environmentally sensitive lands and adhered to the MHPA's Land Use Adjacency Guidelines. Therefore, the nature and extent of the mitigation for this project was reasonably related to minimize any negative impacts. In addition, this CDP and SDP will fulfill the requirement of the Emergency Approval by obtaining the applicable permits.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the Coastal Development Permit No. 2071028 and Site Development Permit No. 2082090 are hereby granted to City of San Diego Public Works Department, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
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Jeremy A. Jung  
Deputy City Attorney

JAJ:nja  
06/05/18  
Or. Dept: DSD  
Doc. No.: 1765970

Attachment: Coastal Development Permit and Site Development Permit

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION  
501

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

WBS NUMBER: B-17029.02.06

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2071028 and  
SITE DEVELOPMENT PERMIT NO. 2082090  
**COAST BOULEVARD EMERGENCY BEACH ACCESS STAIRCASE REPLACEMENT PROJECT**  
**PROJECT NO. 584224**  
CITY COUNCIL

This Coastal Development Permit (CDP) No. 2071028 and Site Development Permit (SDP) No. 2082090 [collectively, "Permit"] is granted by the City Council of the City of San Diego to City of San Diego Public Works Department, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708 and 126.0504. The project is located at City easement between 100 Coast Boulevard and 202 Coast Boulevard in the OP-1-1 (Open Space) Base Zone, Coastal Overly Zone-Appealable, and La Jolla Community Plan. The project site is legally described as: Block 1 Lots 12 Thru 38 recorded in Document No. 82-102678.

Subject to the terms and conditions set forth in this Permit, permission is granted to City of San Diego, Owner and City of San Diego Public Works Department, Permittee for the work performed in August 2016 pursuant to emergency CDP No. 1770703 for the emergency repair and replacement of a beach access staircase that was damaged during the 2015-16 winter storms. The staircase replacement project is located in a City access easement and environmentally sensitive lands containing sensitive coastal bluff [subject to the City's land use regulations] described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 19, 2018, on file in the Development Services Department.

The project included:

- a. Repair, maintenance, and replacement of a damaged beach access staircase including filling voids and replacing the landings/handrails as necessary; and
- b. Repair of the concrete foundation.



**STANDARD REQUIREMENTS:**

1. This permit must be utilized within 6 years (72) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 72 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by 6 years from final approval.
2. This Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
8. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

APPROVED by the City Council of the City of San Diego on June 19, 2018 by Resolution Number

R- **311839**

Coastal Development Permit No. 2071028  
Site Development Permit No. 2082090  
PTS Approval No.: 584224  
Date of Approval: June 19, 2018

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

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Peter Kann  
Development Project Manager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

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**The undersigned Owner/Permittee**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**City of San Diego/Public Works Dept.**  
Owner/Permittee

By \_\_\_\_\_  
Jeff Cramoline, Project Manager

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1189 et seq.**

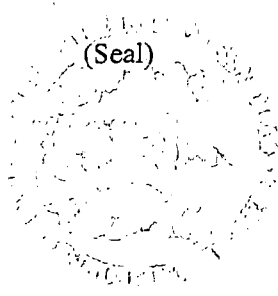
Passed by the Council of The City of San Diego on JUN 19 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage : JUN 19 2018

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:



KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Gilda Irwin, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 311839