



THE CITY OF SAN DIEGO  
**REPORT TO THE CITY COUNCIL**

DATE ISSUED: September 10, 2008

REPORT NO.: 08-123

ATTENTION: Council President and City Council

SUBJECT: APPEAL OF ENVIRONMENTAL DETERMINATION for La Jolla Shores Lifeguard Station Amendment – Project No. 146179;  
Council District 1; Process Three  
Docket of September 16, 2008

REFERENCES: Planning Commission Report No. PC-08-077 (includes attachment of Hearing Officer Report No. HO 08-087). Mitigated Negative Declaration No. 146179.

REQUESTED ACTION: Appeal of the environmental determination for a Mitigated Negative Declaration, for the new La Jolla Shores Lifeguard Station and storage facility within the La Jolla Community Plan Area.

STAFF RECOMMENDATION: **Deny** the appeal and **Uphold** the Environmental Determination.

SUMMARY:

On May 7, 2008, the Hearing Officer certified Mitigated Negative Declaration (MND) LDR No. 146179, adopted Mitigation, Monitoring and Reporting Program; and approved Coastal Development Permit No. 516403 and Site Development Permit No. 516405. On May 21, 2008, the project was appealed to the Planning Commission (PC) by Barry Kusman.

On July 10, 2008, the PC denied an appeal of the Hearing Officer's approval and granted all approvals for the proposed project. On July 21, 2008, Philip A. Merten appealed the MND. Certification of MND LDR No. 146179 would complete the process for the project since PC's action on July 10, 2008, has approved the Coastal Development Permit (CDP) and Site Development Permit (SDP). The City Council could choose to not certify the MND and request the City prepare an Environmental Impact Report. The City Council is acting on the environmental determination only and not on the CDP and SDP.

PREVIOUS COMMITTEE ACTION:

1. February 9, 2005, Hearing Officer (HO) approved the original project and certified the Negative Declaration.
2. May 12, 2005, the PC denied the appeal and Upheld the HO's decision by a 5-0-0 vote.
3. May 7, 2008, the HO approved the project and certified the MND.

4. July 10, 2008, the PC denied the appeal and Upheld the HO's decision by a 4-0-3 vote.

Basis for the Appeal:

The environmental concerns listed by the appellant include Land Use and Visual Quality as outlined within the Initial Study Checklist of the MND.

Background:

Detailed background information for the project can be found in the attached Planning Commission Report No. PC-08-077.

Project Description:

The project proposes to demolish the existing 850 square-foot lifeguard station located on the west side of the boardwalk within the Kellogg Park's green space; construct a new 1,485 square-foot lifeguard station consisting of two separate buildings that would be connected by a breezeway, with a 30-foot observation tower cantilevered out over the boardwalk and sand (on the east side in the southwest corner of the existing parking lot), away from the park's green space; and construct a detached 650 square-foot single story, rescue vehicle and emergency equipment facility also within the parking lot. In addition, the existing 360 square-foot steel container (adjacent to Kellogg Park along Calle Frescota) which currently stores the lifesaving equipment would be removed.

The lifeguard station would provide locker room space for the lifeguards, a first aid room for the public, an observation room, community room and a unisex public restroom. The new detached equipment facility would be used to house lifeguard rescue vehicles, water crafts, boards, buoys, first aid kits, traffic cones, and other emergency equipment.

Community Plan Analysis:

The project site is located in the Public Park (PP) zone of the La Jolla Shores Planned District Ordinance (LJSPDO) and is designated for Parks/Open Space. The site is directly in front of Kellogg Park on the west side of the boardwalk which runs parallel to the Pacific Ocean shoreline near Calle Frescota within the La Jolla Community Plan area.

One of the goals of the Community Facilities, Parks, and Services Element is to ensure that all new and existing public facilities are designed and developed in a manner that will not contribute any adverse impacts to the environmentally sensitive areas of La Jolla. The approved new lifeguard facilities project has been designed to minimize impacts to public views and beach access.

The lifeguard station will be located adjacent to the parking lot on the southwest corner and will be placed on the east side of the existing concrete boardwalk along the beach access points. This location is an improvement from the existing structure which is located on the

west side of the concrete boardwalk extending into the beach and across from Kellogg Park. The new location does not impede public access but improves public views from both the park and along the pedestrian access route.

There are four view corridors identified in the La Jolla Community Plan and Local Coastal Program Land Use Plan within the area of the project (page 145 – Figure C). They are Camino Del Oro after it turns east at El Paseo Grande and turns into Calle Del Oro, Calle Frescota, Vallecitos and Avenida De La Playa. The nearest public view to be protected is from Calle Frescota, and neither the proposed new station nor vehicle storage facility would block that public view. Currently, the only major obstacle in that public view corridor is the existing storage container which would be removed by the project. Vallecitos and Avenida De La Playa are well south of the project and the Camino Del Oro view corridor is on the northern edge of the parking lot. No part of the project would block any of the identified view corridors.

Kellogg Park is also identified as a viewshed in the La Jolla Community Plan (Figure 9, Pgs. 46-47), which is defined as a view looking down over large areas. The proposed project will enhance this viewshed by removing the existing lifeguard facility from its' current location directly between Kellogg Park and the ocean and placing the new lifeguard facility further to the north, adjacent to the parking lot.

The project site is also located between the sea and the first public roadway paralleling the sea, which in this case is Camino Del Oro. On page 50, Section 2a, the La Jolla Community Plan states that, "Public views to the ocean from the first public roadway adjacent to the ocean shall be preserved and enhanced...." The existing lifeguard facility and storage containers constitute minor, but visible obstructions to coastal views from Camino Del Oro. The project will enhance views from Camino Del Oro by removing the existing lifeguard station and storage container and replacing them with a new lifeguard station and vehicle storage building, both of which will be located further to the north where they will be partially obscured by the parking lot. Furthermore, from the surrounding community, the profile of the observation deck of the new lifeguard facility is narrower than the observation deck of the existing facility and is accessed by an open exterior staircase, whereas the profile of the existing observation deck is wider and is accessed via an enclosed stairway, both of which add to the bulk and scale of the structure.

Kellogg Park and La Jolla Shores Beach are major recreational resources and are utilized intensively by visitors throughout the region making parking in the area a concern. The project as previously approved conforms to plan policies supporting the retention of existing parking. A portion of the project is located in the existing parking lot. However, the project proposes no net loss of parking spaces.

Although the lifeguard station is a unique public facility, it is located in close proximity to a coastal resource and, therefore, requires a sensitive design. The lifeguard facilities would be primarily single story. Included in the design for the lifeguard station structure is a 30-foot high observation tower extending west towards the beach. The project would

incorporate a selection of materials including concrete masonry, steel, tempered glass, frosted glass, a block color scheme and wood trim that would match the existing restroom and blend in with the natural surroundings. In addition, the project would utilize landscaping to further soften the overall impact of the structure within the surrounding area.

#### Environmental Analysis:

The project as originally approved included certification of a Negative Declaration. However, the amendment required certification of the MND and the adoption of a MMRP to address the Historical Resources (Archaeology) because the project is located in a high sensitivity area for archaeological resources, and within close proximity to a recorded significant archaeological site (Spindrift site). Due to this new information obtained after permit issuance of the approved project and prior to the proposed amendment submittal it was determined further analysis relating to archaeology resources associated with the amendment was required. A survey done for the proposed project included an on-foot reconnaissance of the property with staff and a Native American monitor, and archaeological review of previous studies in the area. Results of the on-foot reconnaissance revealed no archaeological materials on any of the exposed ground surfaces on the subject property. Although the survey resulted in the lack of any archaeological materials on the site, archaeological monitoring would be required during project grading and construction activities due to close proximity to the Spindrift site. Mitigation measures have been outlined in Section V of the Mitigated Negative Declaration No. 146179. These mitigation measures would mitigate potentially significant archaeological impacts to below a level of significance.

#### Appeal Issues:

The following are the environmental determination concerns raised by the appellant.

1. **Appellant states:** “The La Jolla Shores Lifeguard Station Final Mitigated Negative Declaration contains a patently incorrect conclusion. When the incorrect conclusion was called to the analyst’s attention, the analyst’s response failed to address the important key issue.
  - Contrary to the analyst’s conclusions in the Final Mitigated Negative Declaration, the garage/storage structure proposed to be constructed within the existing Kellogg Park parking simply does not conform to the goals, objectives and recommendations of the applicable Certified Land Use Plan, i.e., the La Jolla Community Plan and Local Coastal Program Land Use Plan.
  - Under the Heading of LAND USE on page 7 of the Mitigated Negative Declaration, item B asks: Would there be a conflict with the goals, objectives and recommendations of the community plan in which it is

located? To which the analyst responds “No such conflict would occur.”  
The analyst’s conclusion is incorrect because it fails to recognize the goals and policies of the La Jolla Community Plan and Local Coastal Program Land Use Plan.”

**Staff Response:** As noted in the Community Plan Analysis section of this report, the subject property is located in an area identified as “Parks/Open Space” in the La Jolla Community Plan (LJCP). One of the goals of the Community Facilities, Parks and Services Element of LJCP (page 113) is to, “Ensure that all new and existing public facilities... are designed and developed in a manner that will not contribute any adverse impacts to the environmentally sensitive areas of La Jolla.” The project as proposed reconstructs the existing facility away from the Kellogg Park green space, locates the facility on the pavement side of the boardwalk and not the sand side, and the tower has been designed with a narrow profile to help protect public views. The existing equipment storage facility is located adjacent to Calle Frescota. The new equipment facility would be located in the northern part of the parking lot, thereby completely removing it from the Calle Frescota view corridor.

In addition, the La Jolla Community Plan and Local Coastal Program Land Use Plan goals include supporting local recreational beach and park amenities, enhancing community views to the ocean and provide modernized public facilities that support recreational, safety and health related needs of the residents and visitors. The project would provide a more modern facility to accommodate the need for increased lifesaving staff and the ever increasing number of beachgoers attending this area. The new proposal would provide a public first aid facility for users of La Jolla Shores and Kellogg Park. Therefore, no land use impacts would occur.

2. **Appellant states:** “Figure 9, *Identified Public Vantage Points of the La Jolla Community Plan and Local Coastal Program Land Use Plan* identifies Camino Del Oro as a “Road from which coastal body of water can be seen”. The proposed lifeguard vehicle storage building to be located within the existing parking lot together with the proposed lifeguard tower building neither preserve nor enhance the public view from the roadway because together their facades are broader than the existing lifeguard station building façade. As such, the combined facades of the proposed structures will obstruct the view of the coast line from the first public roadway (Camino Del Oro) to a greater extent than the existing lifeguard tower building. The proposed lifeguard facility will actually reduce the public view of the ocean. Clearly, the proposed lifeguard station building and the vehicle storage building conflict with the goals and policies of the La Jolla Community Plan and Local Coastal Program Land Use Plan. The analyst’s conclusion is simply incorrect.”

**Staff Response:** The project site is located between the sea and Camino Del Oro (the first public roadway paralleling the sea). By removing the existing lifeguard

facility (directly between Kellogg Park and the ocean) and the existing storage facility (at Calle Frescota a view corridor) from their current locations and placing them further to the north in the parking lot they would be partially obscured by the parking lot. The profile of the observation deck of the new lifeguard facility is narrower than the observation deck of the existing facility and is accessed by an open exterior staircase, whereas the profile of the existing observation deck is wider and is accessed via an enclosed stairway, both of which add to the bulk and scale of the structure. Analysis of the public views and vantage points identified in the La Jolla Community Plan and Local Coastal Program Land Use Plan (page 145 - Figure C) resulted in no substantial view blockage. The view from Kellogg Park and Camino Del Oro are being enhanced because the proposed project location would be providing expanded ocean views from the grassy park area and no obstruction from an identified view corridor.

3. **Appellant states:** “When the conflict between the important land use goals, objectives and recommendations of the *La Jolla Community Plan* and the proposed design of the new life guard facility was called to the analyst’s attention during the public comment period, the analyst responded to the comment in the Final Updated Mitigated Negative Declaration (MND) dated March 18, 2008. However, the analyst’s response failed to address the key land use that the public views shall be preserved and enhanced. The analyst responded: “The already approved lifeguard tower and storage structure are required to be located in close proximity to the beach to serve the purpose of safeguarding beachgoers and includes having emergency response and resources located in such a way as to reduce emergency response times. Therefore, no visual impacts would occur.” The analyst’s stated reason for the proposed facility and the conclusion that no visual impacts would occur is simply illogical and makes absolutely no sense.”

**Staff Response:** In addition to the response provided in the Final MND, refer to the responses for issues 1 and 2 above.

#### FISCAL CONSIDERATIONS:

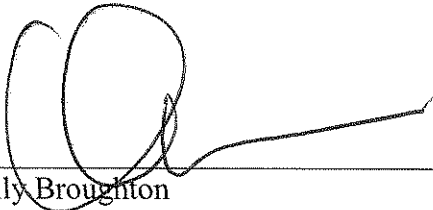
La Jolla Shores Lifeguard Station is a Capital Improvement Project being funded through CIP 33-503.0. Fund 92110-PFFA-FLSF and Fund 91442000 TOT/CIP COASTAL INFRA.

#### COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

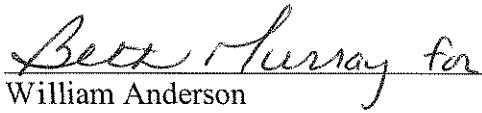
On February 26, 2008, the La Jolla Shores Permit Review Committee voted 3-0-0 to approve the project with no conditions. On April 3, 2008, the La Jolla Community Planning Association voted 12-1-1 to approve the project with conditions.

KEY STAKEHOLDERS (& Projected Impacts if applicable):

The Key Stakeholders are The City of San Diego Fire and Rescue Department and the Police Department.



Kelly Broughton  
Director, Development Services Department



William Anderson  
Deputy Chief Operating Officer:  
Executive Director of City Planning and  
Development

ATTACHMENTS:

1. PC Report No. PC-08-077 (includes attachment of HO Report No. HO 08-087)
2. Aerial/Elevation Photo Survey
3. Identified Public Vantage Points