



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: March 13, 2014 **REPORT NO.** PC-14-018

ATTENTION: Planning Commission, Agenda of March 27, 2014

SUBJECT: SUNSET CLIFFS NATURAL PARK HILLSIDE SECTION
IMPROVEMENTS: PROJECT NO. 236548. PROCESS 3

REFERENCE: Hearing Officer Report

**OWNER/
APPLICANT:** City of San Diego Public Works Department/Engineering and Capital
Projects

SUMMARY

Issue: Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to approve a Coastal Development Permit/Site Development Permit for improvements to the Sunset Cliffs Natural Park within the Peninsula Community Plan Area?

Staff Recommendations:

1. **APPROVE** the appeal with a modified project or;
2. **DENY** the appeal and **APPROVE** Coastal Development Permit No. 850065/Site Development Permit No. 850066 as approved by the Hearing Officer.

Community Planning Group Recommendation: On July 21, 2011, the Peninsula Community Planning Board voted 10-1-0 to recommend approval of the proposed project with no conditions (Attachment 5).

Other Recommendations: On February 25, 2014, the Sunset Cliffs Natural Park Council, officially designated advisory committee to the Park, voted in favor of the modified project approved by the Hearing Officer (Attachment 6).

Environmental Review: A Subsequent Project Findings to the Master Environmental Impact Report (MEIR) for the Sunset Cliffs Natural Park Master Plan was prepared for the project. There were no substantial changes, new information or new impacts that would have required preparation of a subsequent or supplemental environmental impact

report or mitigated negative declaration.

Fiscal Impact Statement: The project is funded by the Regional Park Fund No. 200391 through the Park and Recreation Department and is expected to be approximately \$47,000 for processing costs.

Code Enforcement Impact: None with this action.

Housing Impact Statement: None with this action.

BACKGROUND

The project site is located south of Ladera Street east of the Pacific Ocean, west of Point Loma Nazarene University (PLNU) and north of federal land managed by the U.S. Navy. The site is zoned OP-1-1 and designated as Park within the Peninsula Community Plan. The site contains Environmentally Sensitive Lands in the form of sensitive biological resources, steep hillsides, coastal bluffs, and coastal beaches. The site is located in the Hillside Section of the Sunset Cliffs Natural Park and in the Coastal Overlay Zone (appealable).

The project would implement the Sunset Cliffs Natural Park (SCNP) Master Plan by improving existing trails and observation points, removing and re-vegetating an abandoned ball field, implementing a phased re-vegetation program to remove non-native plants and improving a combination eight-foot sewer easement and public access path to comply with the Americans with Disabilities Act (ADA) requirements. The project also includes a new drainage swale that will reduce runoff impacts. Following a fire in 2013 on the site, structures were burned and subsequently demolished. The project includes removing an associated concrete slab and revegetating the area with native plants. In addition, the project as approved by the Hearing Officer included drainage pipes to carry runoff water to an existing outfall at Garbage Beach (Attachment 3).

The SCNP Master Plan was adopted by the San Diego City Council in 2004, followed by the California Coastal Commission approval in July 2005. In 2008, the City Council established a new Capital Improvement Project (CIP) for the SCNP Hillside Section Improvements and authorized City staff to apply for grant funding for the CIP. The SCNP Master Plan divides the Park into a northern 180-acre Linear Park and a southern 50-acre Hillside Section. This project is located in the Hillside Section. The SCNP Master Plan identifies improvements within the Hillside Section, some of which have been implemented. An athletic field was eliminated and associated fencing, baseball equipment and field irrigation were removed. New stairs at the northern end of the Hillside Section were constructed and the existing lower parking lot has been repaved.

DISCUSSION

On December 11, 2013, the Hearing Officer approved the project and on December 24, 2013, Dr. Crag Barilotti appealed that decision (Attachment 1). The appellant's primary objection to the project is the proposed inclusion of drainage piping that would direct run-off from the project area to an established discharge location at Garbage Beach (see Attachment 3) via an existing

outfall. The appellant states in his appeal that he is not opposed to the trails and re-vegetation portion of the project and only opposes the inclusion of the drainage pipes.

Since the appeal was filed, the applicant has met with the appellant and developed a mutually acceptable compromise that, in general, removes the proposed drainage pipes proposed to carry project site run-off to the Garbage Beach outfall, along with other minor changes.

The compromise provides the following project modifications:

1. Eliminating the drainage catch basins and pipes and in their place installing gravel under-trail drains at approximately 50 feet on-center (Attachment 3);
2. Widening and deepening the project bio-swales where conditions allow on the uphill sides of the ADA and multi-use trails;
3. Reviewing the proposed plantings for the bio-swales and, if appropriate, planting *Juncus patens* or *J. acutus* in the bio-swales to absorb more water; and
4. At the curb outlet dissipaters located along the lower edge of the upper parking lot, the rock energy dissipaters will have filter fabric underlayment and any runoff from these structures will be released at non-erosive velocities.

Based on a communication with the appellant (Attachment 4), it is anticipated that, if these changes are incorporated into the project, the appellant will agree to no longer oppose the project as modified. Staff has evaluated these changes, found them to be acceptable, determined that no new environmental impacts are expected with these modifications and no additional environmental review would be necessary.

Staff has determined that there could be some increase in trail erosion as a result of implementing the modified project instead of directing all run-off water to drain pipes as originally proposed. However, staff believes this would likely occur only during unusually heavy rain events and that any repair work associated with the modified project would be absorbed by maintenance crews who routinely perform regular trail and park maintenance.

If the appellant does not agree to withdraw opposition to the project as modified, staff would recommend the Planning Commission deny the appeal and approve the project as approved by the Hearing Officer.

Reasons for the Appeal

One of the basic tenants to the appeal is that the project should address the long-standing drainage issues in the immediate area. The project is primarily a trails project, but also includes non-native plant removal, commensurate re-vegetation, elimination of unauthorized trails and associated re-vegetation, and some drainage work to improve and preserve the integrity of the existing and proposed trail improvements respectively. These improvements will incidentally address drainage issues in the area, but the project is not intended or designed to address those longstanding drainage problems in the area. The proposed re-vegetation of compacted areas currently containing non-native vegetation will improve infiltration of storm water and reduce erosion. Although this will reduce the amount of sediments reaching the drainage outfall and the

ocean, it will not solve the overall drainage issues at the Park.

The appeal cited a large variety of issues. Staff has condensed these appeal issues into seven general areas below and included staff responses to each as follows:

Appeal Issue 1.

The amount of sediment runoff that would reach the ocean is underestimated.

Staff Response

The amount of sediment runoff that would reach the ocean with the implementation of the project would be less than currently exists. Unauthorized trails would be closed and those areas de-compacted. Non-native plants would be removed and replaced with native plantings that have a greater ability to capture storm runoff. Bio-Swales would be constructed to protect trails that would slow runoff velocities, would reduce runoff volumes, and would allow for greater storm water infiltration (capture). As a result, the amount of sediment reaching the ocean and the main access point would be reduced.

Appeal Issue 2.

The existing problem of storm water pollution reaching the main access point will be exacerbated.

Staff Response

The public access point near the drainage outfall exists today. The project is a trails improvement project which includes drainage components designed to ensure trail protection and longevity. Re-vegetation and de-compaction components would reduce the volumes of Park runoff reaching trail improvements and the outfall, as well as improving the water quality of runoff reaching the outfall. Therefore, runoff reaching the public access point does not constitute a new drainage condition and the runoff would be both reduced in volume and improved in quality.

Appeal Issue 3.

The Master Environmental Impact Report (MEIR) is over five years old, has, therefore, expired, and is no longer valid.

Staff Response

In accordance with the provisions of CEQA [Article 2, Section 21157.1(c) and 21157.6], an Initial Study was prepared for the project which thoroughly examined all relevant issue areas in order to determine the potential for impacts from project implementation beyond those assumed in the MEIR. Where a project element appeared to be an issue that could result in additional impacts, staff from the Development Services Department recommended redesign or realignment in order to avoid and/or minimize the impact. This project level of analysis allowed staff to make

a consistency determination with the MEIR despite the original document being over five years old. Furthermore, although the MEIR was certified more than five years ago, use of the MEIR is not limited by the five year provision because the City, as Lead Agency in accordance with CEQA Section 21157.6, prepared an Initial Study Checklist which was used to review the adequacy of the MEIR. That review found no substantial changes, no new information or no new impacts that would have required preparation of a subsequent or supplemental environmental impact report or mitigated negative declaration.

Appeal Issue 4.

The hydrology study prepared for the project is inadequate.

Staff Response

The Nasland hydrology study prepared for the trail project was not intended to solve the wider parkland erosion issues. Run-off from Point Loma Nazarene University (PLNU) and is not a factor for the Hydrology Study related to the trail project. In addition, most of the run-off from PLNU flows down the Western Loop Road to an Arizona crossing and does not flow to the outfall at Garbage Beach (Attachment 3). Therefore, whether the project is implemented or not, the runoff from PLNU would reach the Pacific Ocean and would not be reduced in either volume or by the amount of sediment that is ultimately discharged.

Appeal Issue 5.

Elements of the project were not considered by the 2004 MEIR.

Staff Response

The Project was considered within the scope of analysis of the Sunset Cliffs Natural Park Master Plan as examined by the MEIR and pursuant to Section 21157.1 (c) of the Public Resources Code. The Subsequent Project Findings determined that implementation of the proposed project would not result in any additional significant effects on the environment beyond those identified in the MEIR, as defined in Subdivision (d) of Section 21158 of the Public Resources Code. As such, the proposed project would not require additional mitigation measures and/or alternatives analysis. No substantial changes have occurred with respect to the circumstances under which the MEIR was certified, there is no new available information which was not known and could not have been known at the time the MEIR was certified.

In accordance with the provisions of CEQA [Article 2, Section 21157.1(c) and 21157.6] an Initial Study was prepared for the project which thoroughly examined all relevant issue areas to determine the potential for impacts from project implementation beyond those assumed in the MEIR.

Appeal Issue 6.

The 2102 Dudek Drainage Study not considered by the 2004 MEIR.

Staff Response

The 2012 Dudek Sunset Cliffs Natural Park Drainage Study is a conceptual study only and not an approved project. The 2004 MEIR considered the run-off from PNLU and neighboring properties. The MEIR considered the erosion problems and drainage in the park through geology, soil, geotechnical and hydrology analyses. The 2004 MEIR acknowledges significant erosion problems from surface and subsurface runoff and developed numerous mitigation measures to address these issues. The trails project is designed in conformance with the mitigation measures for storm water runoff as required in the MEIR. Therefore, the information from the Dudek study does not raise important new issues about significant effects on the environment.

In accordance with the provisions of CEQA [Article 2, Section 21157.1(c) and 21157.6] an Initial Study was prepared for the project which thoroughly examined all relevant issue areas to determine the potential for impacts from project implementation beyond those assumed in the MEIR.

Appeal Issue 7.

Allowing sediment contaminated storm water to reach the ocean violates MS4 permit.

Staff Response

The proposal is not intended to repair the entire Park's drainage conditions or improve the overall area's drainage outfall. However, some conditions leading to slope erosion and sediment pollution will be improved by the Project. The proposed upslope re-vegetation, trail removal and de-compaction, and the replanting of those unauthorized trail areas will allow for increased storm water infiltration (capture), reduced Park runoff volumes and improved Park runoff quality reaching the outfall. The proposed swale adjacent to the ADA trail would capture a significant amount of storm water runoff. This would slow velocities and volumes reaching the outfall. In addition, directing drainage to the existing outfall would prevent runoff and erosion in areas below the swale. The runoff reaching the outfall would be less in volume, speed and be cleaner than if it were to be allowed to flow across the coastal bluff and in the ocean below. In addition, the bluff would be less likely to erode with lower volumes of runoff reaching it.

Conclusion:

Staff has proposed modifications to the project that address the major issues raised in the appeal from Dr. Barilotti. Staff understands that Dr. Barilotti concurs with the proposed modifications and, therefore, will agree to withdraw opposition to the project. Therefore, staff recommends that the Planning Commission approve the appeal with the proposed modifications as listed in this report and as shown on the attached aerial plan (Attachment 3).

ALTERNATIVES

1. **Deny** the appeal and approve the Coastal Development Permit/Site Development Permit

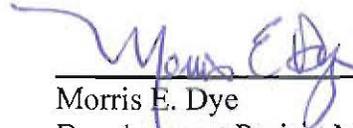
for the project as approved by the Hearing Officer.

2. **Approve** the appeal as submitted.

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Morris E. Dye
Development Project Manager
Development Services Department

RV:MED

Attachments:

1. Appeal – Dr. Craig Barilotti
2. Hearing Officer Report
3. Modified Project - Aerial Plan
4. Letter to Dr. Barilotti
5. Peninsula Community Planning Board Vote
6. Sunset Cliffs Natural Park Council Vote