

## COASTAL CONSERVANCY

Staff Recommendation  
September 6, 2018

### **PRINCESS STREET COASTAL ACCESS TRAIL**

Project No. 18-023-01  
Project Manager: Sam Jenniches

**RECOMMENDED ACTION:** Authorization to disburse up to \$38,860 to Environmental Center of San Diego to conduct planning and prepare designs for the Princess Street Coastal Access Trail.

**LOCATION:** La Jolla, City of San Diego, San Diego County

**PROGRAM CATEGORY:** Public Access

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#### **EXHIBITS**

Exhibit 1: [Project Location](#)

Exhibit 2: [Project Photos](#)

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#### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed thirty-eight thousand eight hundred sixty dollars (\$38,860) to the Environmental Center of San Diego to conduct planning and prepare designs for the Princess Street Coastal Access Trail in La Jolla, City of San Diego.

Prior to the disbursement of funds, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be engaged in carrying out the project.
3. A plan for acknowledgement of Conservancy funding.

In addition, to the extent appropriate, Environmental Center of San Diego shall incorporate the guidelines of the Conservancy’s ‘Standards and Recommendations for Accessway Location and Development,’ and the requirements of all applicable federal and state laws governing barrier-free access for persons with disabilities into the planning for the Princess Street Coastal Access Trail.”

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Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
  2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
  3. The Environmental Center of San Diego is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”
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### **PROJECT SUMMARY:**

Staff recommends the Conservancy authorize disbursement of up to thirty-eight thousand eight hundred sixty dollars (\$38,860) to the Environmental Center of San Diego (ECOSD) for design and planning activities for the Princess Street trail in La Jolla, a neighborhood in the City of San Diego. The proposed project consists of planning (including site assessment) and design of the Princess Street Trail, which will create predominantly vertical public access from the termination of the Princess Street right-of-way to the small pocket beach below. The trail will follow the public access easement along the southern edge of the property. The easement extends from Princess Street southwest to the bluff top, and then proceeds down the slope to the lateral easement at the toe of the bluff. The design will prioritize consistency with the natural setting and will avoid the use of engineered structures where feasible. However, a section of stairs may be necessary based upon the topography of the site.

The Princess Street property sits on a natural promontory overlooking the La Jolla Underwater Park and Ecological Reserve and has historically been used as a location of physical and visual access to the coast. As a condition of a coastal development permit in 1978-79, the California Coastal Commission required the applicant to record offers to dedicate lateral and vertical easements. The property owner completed the development project in 1981 but failed to record the offers to dedicate as required by the permit. Instead, the owners constructed a fence and walls that blocked the public’s access to the beach at this location.

In 2015, after years of litigation from subsequent owners of the property, the 4th District Court of Appeals upheld the validity of the offers to dedicate public access easements. The offers to dedicate were recorded in June of 2016 and accepted by ECOSD in June of 2017. ECOSD intends to construct improvements and then open the easement to the public. With funding from the Conservancy, the preliminary planning and design of the accessway can be completed so that the easement can eventually be opened to safe public use.

**Site Description:** The public access easement starts at the public right-of-way that dead-ends into the property at 7957 Princess Street, La Jolla. The entry to the easement currently has a gate

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blocking public use. On the seaward side of the gate, the easement continues adjacent to the structure on tile steps that descend to a dirt pad where a dirt pathway begins and continues down the cliff. The condition of the native habitat will be determined by the project biological assessment.

**Grantee Qualifications:** ECOSD Board Member and Project Lead, Pamela Heatherington, is accomplished in managing grants and administering large budget operations. In her former role as the Executive Director of the Environmental Center of San Luis Obispo, she managed the organization's grants and grant administration. While ECOSD is a small nonprofit organization, it has the capacity and expertise to execute this project.

**Project History:** Prior to the establishment of the Coastal Commission, a four-year study of public access to the beaches and ocean conducted from 1970 to 1974 by the City of San Diego's Park and Recreation Board recommended that the pathway used by the public to the small public pocket beach at Princess Street remain open.

In 1977-1978, when the Coastal Commission considered a permit to build an addition to a bluff top house that would block the trail, a decades-long process began to retain public access at the Princess Street promontory over the La Jolla Underwater Park and Ecological Reserve. Residents and visitors cited historical use of the viewpoint and trail to the beach. Community organizations documented the public's long use of the path with letters and historical photographs. The testimony included letters from local swimmers, surfers, divers, and the scientific community, and was summarized in two letters to the Coastal Commission by the then-City of San Diego Park and Recreation's Aquatic Director George Loveland, as well as Dorothy Muth, the head of Park and Recreation Board's coastal access study:

“The general public use of Princess Street Point and the subject property has been noted to exist for a long time and for access to a variety of recreational activities there and at the adjacent shoreline, e.g., access to the pocket beach for sunbathers and swimmers, skin divers and surfers and for people observing the marine life...The Point itself has also served as a scenic overlook for sightseers.” – George Loveland, March 20, 1979

“Therefore, the above subject public access at Princess Street has had over 10 years of study, research and recommendations, all of which stated that Princess Street Access is of VITAL IMPORTANCE FOR RETENTION.” – Dorothy Muth, March 23, 1979)

As summarized in the “Project Summary” section above, the offers to dedicate required by the Coastal Development Permit were recorded in 2016 and subsequently accepted by ECOSD in 2017. Set forth in both the Coastal Act and Conservancy Act of 1976, as well as the Joint Access Program of 1979, the Conservancy works in partnership with local governments, other state agencies, and nonprofit land trusts to acquire, develop, and manage public access facilities. To this end, the Conservancy provides these organizations with both funding and technical assistance. After the acceptance of the offers to dedicate by ECOSD, the Conservancy began to work with ECOSD to open the Princess Street Coastal Access Trail.

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**PROJECT FINANCING**

<b>Coastal Conservancy</b>	<b>\$38,860.00</b>
Environmental Center of San Diego	\$2,520.50
<b>Project Total</b>	<b>\$41,380.50</b>

It is anticipated that the Conservancy funds will derive from the Conservancy’s FY 2017-18 appropriation from the “Safe Drinking Water, Water Quality and Supply, Flood Control, River And Coastal Protection Bond Act of 2006, Public Resources Code Section 75001 *et seq.* (“Proposition 84”). Proposition 84 funds are available for expenditure for projects that promote access to and enjoyment of coastal resources, and that are consistent with Division 21 of the Public Resources Code, the Conservancy’s enabling legislation (Section 75060). Consistent with Proposition 84, the proposed project will consist of design and planning activities for a vertical coastal accessway that will facilitate the public’s access to the coast. In addition, the project is consistent with Division 21 of the Public Resources Code, including Chapter 9 (Sections 31400-31410) regarding the right of public access and enjoyment of coastal resources.

In-kind services to be contributed by the Environmental Center of San Diego include:

- Preliminary site prep conducted by volunteers,
- A reduced fee for the Biological Assessment conducted by Hamilton Associates,
- Volunteer project management by an ECOSD board member.

These in-kind services are estimated to be valued at \$18,843.00.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

The proposed project is consistent with Chapter 9 (Sections 31400-31410) of Division 21 of the Public Resources Code, which directs the Conservancy to take a principal role in the implementation of a system of public accessways to and along the state’s coastline. The project is consistent with Section 31400.1, which authorizes the Conservancy to award grants to any nonprofit organization to develop, operate or manage lands for public access to and along the coast. For the proposed project, ECOSD will conduct preliminary design and planning activities for a coastal accessway.

Pursuant to Section 31400.2, the Conservancy may provide up to the total cost of the initial development of public coastal accessways. Consistent with this section, the amount of funding proposed for the Princess Street La Jolla Coastal Access Trail project has been reviewed in light of the total amount of funding available for coastal public accessway projects, the fiscal resources of the applicant, and the relative urgency of the project.

Consistent with Section 31400.3, the project would aid in establishing a system of public coastal access by opening a previously inaccessible portion of the coast.

Consistent with Section 31402.3(c), ECOSD has met the requirements necessary for a nonprofit

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to accept an offer to dedicate an interest in real property under Division 20 of the Public Resources Code.

### **CONSISTENCY WITH CONSERVANCY'S ACCESS PROGRAM STANDARDS:**

The project involves design for a project rather than construction of an accessway. To the extent appropriate, Environmental Center of San Diego shall incorporate the guidelines of the Conservancy's 'Standards and Recommendations for Accessway Location and Development' into the design for this accessway.

### **CONSISTENCY WITH CONSERVANCY'S [2018-2022 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 2, Objective 2B** of the Conservancy's 2018-2022 Strategic Plan, the proposed project would design a vertical accessway for a portion of the coast that is not currently accessible by the public.

### **CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on October 2, 2014, in the following respects:

#### **Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Promotion and implementation of state plans and policies:** The Coastal Act requires that public access to and along the shoreline be maximized. Consistent with the purposes of the Coastal Act, the proposed project will promote and implement the highest priority of the Coastal Commission's Public Access Action Plan (1999) and the Coastal Commission's Offer to Dedicate Public Access Easement Program by creating designs for a coastal access trail on offers to dedicate public access easements.
4. **Support of the public:** The project is supported by the following groups and individuals:
  - Surfrider Foundation
  - Windansea Surf Club
  - Windansea Foundation
  - Barbara Bry, San Diego City Council President Pro Tem, District 1
  - Sherri Lightner, Former San Diego City Council President, District 1

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- La Jolla Dive Club
  - La Jolla Shores Association
  - La Jolla Town Council
  - La Jolla Parks and Beaches
  - La Jolla Community Planning Association
5. **Location:** The proposed project would be located within the coastal zone of the City of San Diego in San Diego County.
  6. **Need:** Without Conservancy funding ECOSD will not be able to fund the project at this time, losing valuable momentum for the opening of this accessway.
  7. **Greater-than-local interest:** San Diego is a regional, state, national and international tourist destination, attracting millions of visitors to its coast annually.
  8. **Sea level rise vulnerability:** The project is for planning an accessway trail from a blufftop to a pocket beach below. As such, the planning process will incorporate the issue of sea level rise vulnerability in selection of an appropriate design.

**Additional Criteria**

9. **Urgency:** This accessway has been a priority for opening for decades. It is important to capitalize on the cooperation of the current landowners.
12. **Conflict resolution:** This accessway has been the subject of Coastal Commission enforcement. Opening of the accessway will help resolve a decades' long conflict over access.
14. **Readiness:** ECOSD is prepared to implement this project as soon as possible.
17. **Cooperation:** This project is the result of cooperation between ECOSD and the San Diego chapter of the Surfrider Foundation, among others.

**CEQA COMPLIANCE:**

The proposed project to plan and design the Princess Street La Jolla Coastal Access Trail within the La Jolla area of San Diego is statutorily exempt from the California Environmental Quality Act (CEQA) under 14 Cal. Code of Regs. Section 15262, as it involves preparation of plans and designs for future actions which have not yet been approved or funded, and for which the planning will consider environmental factors. The proposed project is also categorically exempt from CEQA pursuant to 14 Cal. Code of Regs. Section 15306 to the extent it includes basic data collection and resource evaluation activities that will not result in a serious or major disturbance to an environmental resource. Staff will file a Notice of Exemption upon approval of the project.