

# COASTAL CONSERVANCY

Staff Recommendation

May 19, 2011

## **DEL MAR BEACH 17<sup>th</sup> STREET ACCESS IMPROVEMENTS**

File No. 08-051

Project Manager: Sam Jenniches

**RECOMMENDED ACTION:** Authorization to disburse an amount not to exceed \$650,000 to the City of Del Mar to construct a beach access pathway and new public restrooms as component parts of the replacement of the 17<sup>th</sup> Street Beach Safety Center.

**LOCATION:** City of Del Mar, San Diego County (Exhibit 1)

**PROGRAM CATEGORY:** Public Access

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### **EXHIBITS**

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Mitigated Negative Declaration and Mitigation Monitoring Plan; CEQA Addendum](#)

Exhibit 3: [17<sup>th</sup> Street beach – existing conditions](#)

Exhibit 4: [17<sup>th</sup> Street beach – proposed improvements](#)

Exhibit 5: [Project Letters](#)

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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 six hundred fifty thousand dollars (\$650,000) to the City of Del Mar (the City) for the construction of a beach access pathway and new public restrooms at the 17<sup>th</sup> Street Beach Safety Center.

Prior to the disbursement of Conservancy funds for construction, the City shall submit for the review and approval of the Executive Officer of the Conservancy:

1. Evidence that the City has obtained all necessary permits and approvals.
2. A signing plan for the project acknowledging Conservancy participation.
3. A final work plan (including the names of any contractors to be used in the completion of the

project), and a project schedule and budget.

4. Evidence that the City has accepted title to the public access easements at 1670 Coast Boulevard, Del Mar, APN 299-231-07.

Staff further recommends that the Conservancy adopt the following findings:

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

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding public access to the coast.
3. The Conservancy has independently reviewed the Mitigated Negative Declaration (attached to the accompanying staff recommendation as Exhibit 2) and findings adopted by the City of Del Mar on February 1, 2006 for the Del Mar Lifeguard Headquarters Upgrade project under the California Environmental Quality Act, along with the Addendum that the City is expected to adopt on May 9, 2011. The Conservancy finds that there is no substantial evidence that the project, as mitigated, may have a significant effect on the environment as defined in 14 California Code of Regulations Section 15382.”

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#### **PROJECT SUMMARY:**

The proposed project will provide a grant to the City of Del Mar to improve public access facilities at the western terminus of 17<sup>th</sup> Street in Del Mar, where a new Beach Safety Center is proposed to replace a 1960's era Lifeguard Station. The proposed improvements include replacement of the existing, badly dilapidated public restrooms and the construction of a new pedestrian pathway affording access to the beach. These improvements are part of a larger effort by the City to improve and expand the lifeguard station and related public facilities at the midpoint of Del Mar's beach. The project components proposed for funding by the Coastal Conservancy are described in greater detail below:

- *Pedestrian Beach Path.* Currently there is no direct access from the first coastal roadway, Coast Boulevard, to the beach at 17<sup>th</sup> Street. Current beach access is through a busy parking lot, adjacent to a popular beachfront restaurant. This poses a safety hazard for pedestrians and motorists alike. To remedy this situation, the City proposes to construct a wheelchair-accessible pathway on city property leading from the Coast Boulevard sidewalk directly to the beach in the only space available to the City in this location, integrated as a maintenance accessible cap over an existing storm drain channel. This accessway design will separate pedestrians from automobiles and will provide a much safer and more enjoyable means of access for all beach visitors.
- *Improved Visitor Facilities.* The existing public restrooms at this location are inadequate and badly dilapidated. The City proposes to replace these with a new facility that is integrated into the new Beach Safety Center. It will provide six restroom stalls, a baby diaper changing station, outdoor showers and sinks, drinking fountains, bicycle racks, and a seating area. All of the restroom stalls will comply with federal Americans with Disabilities Act (ADA) standards and one stall will be completely wheelchair-accessible.

To avoid disrupting public access during the summer months, the City plans to begin construction in September 2011, after Labor Day. Construction is expected to take from six to nine months.

The public beach in Del Mar is heavily used year-round and is particularly impacted during the summer months. Although the City of Del Mar has a population of only 4,600 residents, its public beach is visited by approximately 2 million people each year. The City estimates that approximately 98% of these visitors are not residents of Del Mar.

Recognizing that the City's continued appeal and economic vitality depend in large measure on the quality of its beach environment, the City has identified beach access and safety as community priorities. The City has operated and maintained its beach facilities and provided lifeguard services on an extremely limited budget for 35 years. However, the level of beach use has increased dramatically over the past fifteen years and the City's facilities are no longer adequate to accommodate the number of beach visitors. The proposed improvements are necessary to continue to provide the public with a safe and enjoyable beach-going experience.

**Site Description:** Del Mar Beach is 2.5 miles in length and sandy year-round, attracting beachgoers from across the region. The City's coastline is completely built-out and public beach access is provided via a series narrow sites located at the ends of 17<sup>th</sup>, 24<sup>th</sup>, 25<sup>th</sup>, and 29<sup>th</sup> Streets. Lifeguard stations, parking, and public restrooms are available only at the 17<sup>th</sup> and 25<sup>th</sup> Street locations. All of these sites are severely constrained by existing development. The 17<sup>th</sup> Street location is one of only two sites in the City where beach access can be provided to wheelchair users.

The 17<sup>th</sup> Street Beach (Exhibit 3) currently features a two-story Lifeguard Headquarters building, which serves as a lifeguard observation tower and emergency dispatch center, first aid station and equipment storage facility. Public restrooms are provided in two detached structures, and a concrete ramp provides beach access from the parking lot for wheelchair users and emergency vehicles. However, the existing ramp does not comply with ADA standards. The beach facility is situated between two private commercial operations, the Del Mar Hotel to the south and the Poseidon Restaurant to the north. The City property contains a row of public parking spaces. The adjacent private property to the south contains parking spaces used by the Poseidon Restaurant which does a brisk lunch trade and operates a valet parking service. As a result, the two parking lots are in continuous use most of the day with heavy vehicle traffic in the area where pedestrians travel to the beach. This further interferes with safe public access opportunities to the shoreline.

The public access easement is located at 1670 Coast Boulevard in Del Mar, California, and the irrevocable offer to dedicate vertical and lateral easements is described in a Coastal Commission staff report for application number 06-90-312, dated April 1, 1991. In accordance with the Conservancy's policy of ensuring acceptance of OTDs when considering funding for public access projects, the City of Del Mar has agreed to accept and maintain these easements.

**Project History:** The City of Del Mar initiated an analysis of the condition of all of its public facilities approximately fifteen years ago. The findings of that analysis identified the rehabilitation of the lifeguard station and other facilities at 17<sup>th</sup> Street as a priority project. As beach visitation has increased exponentially over the life of the current lifeguard station, the

facility has become less able to provide the necessary public services to ensure access and safety for beach visitors. Beach rescues and medical aid occurrences have more than tripled in the last fifteen years and access for emergency vehicles has progressively deteriorated. The presence of mold in the facility is a hazard to employees and to on site medical care. Additionally, Del Mar beaches provide limited ADA access system wide. The current access configuration at the 17<sup>th</sup> Street location provides a concrete ramp for wheelchair users; however, the access ramp is not ADA compliant.

The City of Del Mar's small population creates limits on general fund availability for capital improvement projects. As such, the City approached the Conservancy for funding assistance for the public safety and access portions of the Beach Safety Center.

The Conservancy granted \$365,000 to the City in 2003 to construct public restrooms and other access improvements at a separate location, the 25<sup>th</sup> Street beach access point located roughly ½ mile to the north.

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	650,000
<b>City of Del Mar</b>	1,150,000
<b>Friends of the Powerhouse</b>	<u>1,000,000</u>
<b>Total Project Costs</b>	2,800,000

It is anticipated that the Conservancy funds would be provided from the Conservancy's FY 2007/2008 appropriation from the "Safe Drinking Water, Water Quality and Supply, Flood Control, River And Coastal Protection Bond Act of 2006 (Proposition 84). The funds are available for expenditure for Coastal Conservancy programs, including promotion of access to and enjoyment of coastal resources. Consistent with the purposes of this funding source, the proposed project would be funded by the Coastal Conservancy pursuant to Division 21 of the Public Resources Code, and would consist of the construction of improvements that will facilitate the public's access to and enjoyment of the beach.

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

The proposed project would be consistent with Chapter 9 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 would be consistent with Section 31400.1, which authorizes the Conservancy to award access development grants to any public agency, provided that the resulting public accessways will serve more than local public needs. Del Mar is a destination attraction for more than two million visitors annually from all over the state and nation because of horseracing, the county fair, and beautiful sandy beaches.

Pursuant to Section 31400.2, the Conservancy may provide up to the total cost of public coastal accessways. Consistent with this section, the amount of funding proposed for the 17<sup>th</sup> Street

Beach Access Improvements 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. The City of Del Mar has committed to paying a significant portion of the total project costs.

Consistent with Section 31400.3, the project would aid the City in establishing a system of public coastal access by removing barriers to certain segments of the public.

**CONSISTENCY WITH THE COASTAL CONSERVANCY'S STANDARDS AND RECOMMENDATIONS FOR ACCESSWAY LOCATION AND DEVELOPMENT:**

The proposed project would be consistent with those of the Coastal Conservancy's "Standards and Recommendations for Accessway Location and Development" standards which apply as follows:

Consistent with Standard No. 1, the project will protect the public and coastal resources. The proposed improvements will involve replacement or reconstruction of existing structures or facilities at the same location (the pathway) and construction of new facilities (the restroom, shower, benches, and a drinking fountain) within the existing compact footprint, thereby minimizing alteration of natural landforms and maintaining the privacy of adjoining residences. The project will rehabilitate or replace deteriorated structures (the restrooms) to safely accommodate public use. It will also make the site more convenient and usable for beach-goers, helping to relieve overcrowding and overuse at other area beaches.

Consistent with Standard No. 2, the project would correct potential hazards to the public safety.

Consistent with Standard No. 7 regarding the construction and location of vertical accessways in urban areas, the pedestrian pathway would be located at a street end and would connect an existing public parking area to the shoreline.

Consistent with Standard No. 12, the proposed project will include support facilities for the public such as restrooms, showers, bike security racks, and seating.

Consistent with Standard No. 13, the proposed project would "accommodate or plan to accommodate those with mobility problems," and thus is of "the highest priority for State funding." The pedestrian pathway and the new restrooms have been designed to meet ADA access standards and provide barrier-free coastal access.

**CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 2, Objective B**, the proposed project would implement a project which enhances a waterfront park.

Consistent with **Goal 2, Objective D**, the proposed project would ensure acceptance of an offer to dedicate a public access easement.

Consistent with **Goal 2, Objective E**, the proposed project would fund the construction of new facilities and the reconstruction of dilapidated facilities which will increase and enhance coastal recreational opportunities for residents and visitors.

**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 June 4, 2009, 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. **Support of the public:** The proposed improvements at 17<sup>th</sup> Street were developed over the course of an extensive process of community workshops and meetings and the project has the support of the local community and neighboring property owners. The Conservancy has received letters in support of the proposed grant, including from State Senator Christine Kehoe, State Senator Mark Wyland, State Assembly Member Martin Garrick, San Diego County Supervisor Pam Slater-Price, San Diego District Coastal Commission Manager Deborah Lee, the Del Mar Lifeguard Association, and the United States Lifesaving Association.
4. **Location:** The proposed project would be located within the coastal zone of the City of Del Mar.
5. **Need:** Del Mar has a small resident population (4,600), which limits the amount of funds available for completing capital improvements. The City's primary sources of revenue are property and sales taxes and the City's Transient Occupancy (hotel/motel) Tax (TOT). The beaches remain as popular as ever, but recent economic trends have negatively affected retail and hospitality sectors, thus reducing sales tax and TOT revenues. A turnaround is not anticipated in the near term. Without Conservancy assistance, Del Mar will have to defer this and similar beach improvement projects.
6. **Greater-than-local interest:** The project will serve visitors as well as local citizens, as the area's sandy beaches, range of accommodations, and horseracing make it a popular tourist destination. The City estimates its beaches host more than two million visitors annually.
7. **Sea level rise vulnerability:** The project is not expected to be significantly impacted due to sea level rise. The overall project includes installation of a seawall to protect against erosion. Additionally, the Beach Safety Center will be built at an elevation above projected sea levels.

**Additional Criteria**

8. **Urgency:** Current facilities are in significant disrepair and impact the ability of the City to provide appropriate services and access to beach visitors.

10. **Leverage:** See the “Project Financing” section above. The City is committing a significant amount in capital funding toward construction of the project. It will also be responsible for operation and maintenance costs.
13. **Readiness:** Project design is complete, and all discretionary permits have been obtained (a separate, ministerial building permit will be required). However, in order to avoid disrupting beach use during the summer season, construction would not start until mid-September 2011.
18. **Minimization of greenhouse gas emissions:** The project design and associated mitigations include measures to minimize greenhouse gas emissions. (See “Compliance with CEQA” section below)

#### **CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The proposed project is consistent with the policy goals of the certified City of Del Mar Local Coastal Program (LCP)/Land Use Plan (LUP), including: promoting public safety, health, and welfare while protecting public access opportunities (Goal III); providing parks and recreation facilities for people of “all ages, physical conditions, and socio-economic situations” (Goal V-A); providing public facilities in recreation areas (V-5 (a)); and pursuing funding for recreational facilities (V-7). The Del Mar Planning Commission reviewed the Coastal Development Permit application (CDP) for the project against the policies and applicable provisions of the certified LCP, including resource protection, avoidance of hazards, public access, and preservation of public views. The Planning Commission found the project, as conditioned, to minimize impacts on visual resources, consistent with the LCP and approved the CDP.

#### **COMPLIANCE WITH CEQA:**

Pursuant to the California Environmental Quality Act (CEQA), the City of Del Mar, as lead agency, undertook environmental assessment of the proposed Del Mar Beach Safety Center, which includes the pathway and restroom construction, through an Initial Study. The Initial Study determined that the proposed project could have significant effects on the environment with respect to air quality, hydrology/water quality, and noise. Based on that Initial Study, the City incorporated mitigation measures into the project to reduce these impacts to levels of insignificance. The City adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Exhibit 2) by resolution of its City Council on February 1, 2006, and approved the project on May 27, 2009.

The potential significant environmental impacts of the project, as identified and discussed in detail in the mitigated Negative Declaration contained in Exhibit 2, are summarized below:

##### ***Air Quality***

***Impact:*** Diesel particulate emissions from construction equipment.

***Mitigation:*** Maintain equipment per manufacturer’s specification; use reformulated, low-emission diesel fuel; minimize equipment idling times to 15 minutes when vehicles will not be in continuous operation.

*Impact:* Dust from construction activities.

*Mitigation:* Adhere to Rule 51 (Nuisance Dust and Emissions) of the San Diego Air Pollution Control District, Rules and Regulations (SDAPCD 2005); Excavate areas and stock piles of excavated material will be watered twice a day or as often as necessary to eliminate nuisance dust; temporary dust screens will be installed along the perimeter of the project site; no saw cutting activities will occur between the hours of 11:00 am and 2:00 pm to minimize nuisance dust during lunch time at the Poseidon Restaurant; stockpiles and active construction areas will be located away from sensitive receptors if feasible.

### ***Water Quality***

*Impact:* Earth moving activities create the potential for impacts to water quality via erosion and/or sediment discharge.

*Mitigation:* Conduct regular sweeping of active construction areas to reduce sediment tracking off the construction site; where there is potential for erosion, sediment, or other discharge, implement best management practices, such as silt fences, fiber rolls, secondary containment, etc.

### ***Noise***

*Impact:* Sound levels during demolition and construction will increase existing ambient noise levels.

*Mitigation:* Install temporary acoustical barriers on northern and southern boundaries of the construction site; restrict pile driving activities to the hours of 9:00 – 11:00 a.m. and 2:00 – 5:00 p.m.; contractor and all subcontractors, vendors and suppliers will conduct regular maintenance and lubrication programs on all equipment, and resources for conducting maintenance and lubrication activities will be kept at the construction site; all construction equipment operated by the contractor, subcontractors, vendors or suppliers will be equipped with the manufacturers' approved exhaust mufflers; project construction manager will establish a noise complaint and response procedure that includes a 24-hour telephone number for complaints and personnel available on site to take corrective action if necessary; construction manager shall provide notice to nearby residences and businesses 7 days prior to initiating construction activities, including a description of the construction activity, hours of operation, and anticipated length of operation; construction manager shall provide notice to the Del Mar Hotel operator 14 days prior to initiating construction activities to allow the hotel operator to relocate daytime sleepers.

The project and the surrounding circumstances have not changed significantly since the adoption of the Mitigated Negative Declaration. However, the City is expected to adopt a CEQA Addendum on May 9, 2011, under 14 California Code of Regulations section 15164, to address expected project greenhouse gas (GHG) emissions and the potential effects of sea-level rise on the project. The project will incorporate a number of components that the City concludes will render the GHG effects of the project insignificant. The City also concludes that the effects of sea-level rise on the project will not be significant.

With respect to GHG emissions, the Addendum indicates that the project has been designed to meet or exceed the standards of the 2010 California Green Building Code. Many aspects of project construction and future operation will minimize GHG emissions. For example, the building will be powered by solar cells and ventilated naturally. Light-colored roofing and

paving materials will reduce the “heat island” effect, and building materials will be obtained locally where possible. The building will use low-water fixtures and minimize landscaping. Lights will be of low-energy types, and high goals for recycling construction waste will be imposed.

With respect to sea-level rise, the Beach Safety Center will be built at an elevation above the anticipated Base Flood Elevation identified for this location on maps prepared by the Federal Emergency Management Agency, and a sea wall is expected to help protect against wave erosion.

Staff has reviewed the City’s mitigated negative declaration and monitoring plan and the CEQA Addendum and concurs that the proposed project, as mitigated, will not have a significant adverse effect on the environment. Staff recommends that the Conservancy find that the project, as mitigated, will not have a significant effect on the environment as defined in 14 California Code of Regulations Section 15382. Staff will file a Notice of Determination upon the Conservancy’s authorization of the project.