

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

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Staff: RMR-LB RMR

Staff Report: 10-18-96

Hearing Date: November 12-15, 1996

Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-205

APPLICANT: California Department of Parks and Recreation

PROJECT LOCATION: Crystal Cove State Park, County of Orange

PROJECT DESCRIPTION: Construction of an entryway, nature exhibits, and boardwalk (1,000 feet long) from the Pelican Point parking lot to the bluff top. Construction of a viewing platform (350 sq. ft.) and benches for a bluff top overlook and construction of railroad tie stairs from the viewing platform down the bluff to the beach (800 feet long). The trail will be closed from January through March of each year during the nesting season of the white-tailed kite. Also proposed is approximately 1 acre of coastal sage scrub revegetation.

LOCAL APPROVALS RECEIVED: Notice of Exemption from the Department of Parks and Recreation

SUBSTANTIVE FILE DOCUMENTS: Crystal Cove State Park Public Works Plan

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed development. There are no special conditions and no issues of controversy.

STAFF NOTE:

Permits involving Public Works Plans are relatively rare and therefore merit a brief description of the permit process. The definition of public works in Section 30114 of the Coastal Act includes utilities owned or operated by any public agency or utility subject to the jurisdiction of the Public Utilities Commission, all public transportation facilities, all publicly financed recreational facilities, projects of the State Coastal Conservancy, development by special districts, and all community college facilities.

Crystal Cove State Park is geographically in an area of unincorporated Orange County. Most of the surrounding inland property is included in the Newport Coast (Irvine Coast) Local Coastal Program. However, Crystal Cove State Park

is not a part of that certified LCP. Crystal Cove State Park is a publicly owned, financed and operated recreational facility with a public works plan certified by the Commission in 1982.

When a proposed project is contained in sufficient detail in a certified public works plan the coastal development permit process is superceded by the public works process. If a project is not included in the certified Public Works Plan, then a coastal development permit from the Commission is required, since the State Park is not included in the certified LCP. The standard of review for a project contained in and consistent with the public works plan is the certified public works plan. The standard of review for a coastal development permit in a public works plan area, where the development is not included in the Public Works Plan, is the Chapter 3 policies of the Coastal Act.

In this case the proposed project includes development which is both contained in and consistent with the public works plan and development which is not contained in the public works plan. The applicant chose to submit the entire project for a coastal development permit.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions.

None

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Standard of Review

Section 30605 of the Coastal Act provides, in part, that:

...Where a plan for a public works or state university or college or private university development project has been certified by the commission, any subsequent review by the commission of a specific project contained in the certified plan shall be limited to imposing conditions consistent with Sections 30607 and 30607.1. A certified long-range development plan may be amended by the state university or college or private university, but no amendment shall take effect until it has been certified by the commission. Any proposed amendment shall be submitted to, and processed by, the commission in the same manner as prescribed for amendment of a local coastal program.

Section 30606 of the Coastal Act states:

Prior to the commencement of any development pursuant to Section 30605, the public agency proposing the public works project, or state university or college or private university, shall notify the commission and other interested persons, organizations, and governmental agencies of the impending development and provide data to show that it is consistent with the certified public works plan or long-range development plan. No development shall take place within 30 working days after the notice.

Section 13359(b) of the Commission's administrative regulations states:

The Commission shall...determine whether the proposed development is consistent with the certified public works plan...

The standard of review for development included in and consistent with a certified Public Works Plan are the policies of the Public Works Plan. The

standard of review for a coastal development permit in a public works plan area, where the development is not included in the Public Works Plan, is the Chapter 3 policies of the Coastal Act.

When Commission staff is officially noticed concerning an upcoming project in a public works plan area and determines that the project is contained in the public works plan, then the Coastal Commission has 30 days to act on it. However, the Commission may not deny but can only condition a project which is contained in the public works plan. When a project is not contained in the certified Public Works Plan, then the applicant has a choice between amending the public works plan or applying for a coastal development permit.

B. Project Description and Background

The California Department of Parks and Recreation is proposing to construct a wooden boardwalk from the Pelican Point parking lot to the bluff top; construct benches and a viewing platform at the bluff top; and construct a railroad tie staircase down the bluff. The project also includes construction of an arch entryway and interpretive nature panels at the trailhead and along the trail.

Crystal Cove State Park was acquired from the Irvine Company by the State of California in 1981. The Public Works Plan for the park was certified with conditions by the Commission on May 20, 1982. The certified Public Works Plan consists of the Crystal Cove State Park General Plan, the on-site maintenance plan, and the Crystal Cove State Park Historic District Plan.

The 2,791 acre Crystal Cove State Park is located between the communities of Corona del Mar to the north and Laguna Beach to the south. To the west is the Pacific Ocean and to the east is the Newport Coast (formerly Irvine Coast) development and the inland portion of the state park. The inland portion of the park is separated from the 3.25 mile strip of coastal marine terrace and beaches by Pacific Coast Highway. The park west of Pacific Coast Highway consists of an uplifted marine terrace, coastal bluffs and beach. There are a series of four public parking lots interspersed along the marine terrace connected by roads and trails. Three of the existing parking lots have official trails leading to the beach. The Pelican Point parking lot does not currently have a trail leading to the beach. Visitors who park at the Pelican Point parking lot must either walk north or south along an improved trail to an official beach access ramp or walk across the marine terrace via volunteer trails down the coastal bluff to the beach.

On the Land Use and Facilities Map of the Public Works Plan (see Exhibit 3), the proposed boardwalk, overlook and bluff path are shown at Pelican Point. The map shows that there is a trail leading from the parking lot to a vista point on the bluff, but no beach access ramp or path. Prior to acquisition by the State, the area of the proposed development was utilized as an equestrian center. The proposed boardwalk will occupy the same alignment as a previous fenceline and equestrian trails. Exhibit 7 is an aerial of the development site showing the location of the proposed boardwalk and prior equestrian center.

Over 20 acres in the vicinity of the former equestrian center have been planted with native coastal sage scrub. As part of the proposed trail, the Park is proposing to revegetate approximately one acre with native coastal

sage scrub. In addition to the sensitive plant resources there are roosting and nesting sites for white tailed kites, as well as gnatcatchers. As part of their proposed development park authorities plan to close the Pelican Point Trail annually for the months of January, February and March in order to protect the kites during their nesting season. The three other beach parking lots and access points will remain open.

C. General Consistency with the Public Works Plan

The Crystal Cove State Park Public Works Plan (PWP) was certified by the Commission in May 1982. The PWP includes the Crystal Cove State Park General Plan, the On-Site Maintenance Plan, and the Crystal Cove State Park Historic District Plan. Section 30605 of the Coastal Act, cited above, establishes the standard of review. The first threshold question is whether the specific project is contained in the certified Public Works Plan. If it is, the Commission's review is limited to the imposition of conditions. The Commission cannot deny a project which it previously certified as part of the public works plan, however, the Commission can regulate the manner in which the project is carried out to bring it into conformance with the public works plan.

All of the proposed development except for the trail down the bluff face to the beach is included in the certified Public Works Plan. The proposed development consists of an archway entry monument with nature exhibits, a boardwalk from the entryway across the marine terrace to the bluff top, a vista point with park benches on the bluff top, and an at grade railroad tie path to the beach. The entryway, exhibits, boardwalk and vista point are all project components which are included in the certified public works plan. The path to the beach is not included in the certified Public Works Plan and therefore requires a coastal development permit. However, the Department of Parks and Recreation chose to process the proposed development as a complete package rather than split the project and submit it through two different processes.

Exhibit 3 is the Land Use and Facilities map from the General Plan showing the proposed Pelican Point walkway. Exhibit 4 shows the trail entry monument and nature interpretive panels. Exhibit 5 shows the vista overlook and benches. Exhibit 6 shows the bluff path plans.

The standard of review for this portion of the staff report are the policies of the certified Public Works Plan.

1. Public Works Plan Policies

The entryway, exhibits, boardwalk and vista point are all project components which are included in the certified public works plan. Included in the plan objects of the General Plan segment of the Public Works Plan are the following policies:

- To ensure that environmental damage caused by recreational activity and development will be held to a minimum.
- To provide opportunities for a variety of recreational uses of low to high intensity that will be compatible with the surroundings, and consistent with the park purposes.

- To protect and interpret the significant natural and cultural resources of the park.
- To increase opportunities for safe and convenient public access to sandy swimming areas.

Page 67 of the General Plan includes the following statements:

Protection of natural and cultural resources of the park (as in all units of the system) is of paramount importance at Crystal Cove State Park. Several sensitive features such as rare plants, Native American sites, and marine and terrestrial wildlife habitat are among the resources that will require special attention. Visitor movement and activities in these areas will be controlled to protect these resources from indiscriminate use.

2. Entry, Boardwalk, Vista Point, Interpretive Panels

The trailhead entrance (wooden arch) will not exceed 10 feet in height. There will be five low-profile interpretive panels placed along the boardwalk trail (see exhibit 4). The four panels will include information on: the ecology of driftwood, raptors, scrubland birds, shoreline birds, and coastal sage scrub. The boardwalk will be 1000 linear feet in length and 5 feet wide with a 2.5 foot high post and rope fencing separating the boardwalk from the coastal sage scrub habitat.

The vista point will consist of an approximately 350 square foot at-grade wood structure with benches (see Exhibit 5) situated on the bluff top with views of the beach and ocean.

In connection with the proposed construction of the boardwalk, State Parks is proposing to plant approximately one acre of native coastal sage scrub. The construction of the trail will have minimal impacts on coastal sage scrub because the trail will be located along existing volunteer dirt trails. However, at some points some coastal sage scrub will be removed. The one acre revegetation will more than compensate for the loss of plants, but is not specific mitigation for the loss of vegetation.

In addition, State Parks is proposing to also plant mexican elderberry in the vicinity to provide alternate roost sites for white-tailed kites. To ensure that construction impacts do not interfere with roosting/nesting activities, State Parks will not conduct any noise-generating construction from August 15 to the end of March, as well as monitoring the impacts of the boardwalk on the kites. In addition, the Park is proposing to close the Pelican Point Trail on an annual basis for the months of January, February and March, which are the most sensitive time for nesting kites and fledgling kites. However, the winter months are the least frequented times for visitors to the park. The other three parking lots and beach trails will be open to the public when the Pelican Point trail is closed. Therefore, closure of the trail will not adversely impact the ability of the public to park or get to the beach. The State also proposes to have biological and archaeological monitors on site during the construction. Finally, closure of the trail during the winter months conforms with the policies, cited above, of the certified Public Works Plan which are protective of natural resources. Therefore, the Commission finds that closure of the proposed trail in the winter months of January, February, and March is consistent with the natural resource protection policies of the certified Public Works Plan.

As has been stated, the boardwalk and vista point are designated in the certified public works plan. The Commission finds that the mitigation measures provided above are adequate to compensate for any impacts of development.

The certified Public Works Plan includes policies to promote a variety of recreational uses, protect and interpret the natural resources, and to provide safe and convenient access to sandy beach areas. The Commission finds that the development is consistent with these Public Works Plan policies.

D. Development Not Included in the Public Works Plan

The beach access trail from the vista point to the beach was not specified in the Public Works Plan. The standard of review for development not contemplated in the Public Works Plan is the Chapter 3 policies of the Coastal Act. The pertinent policies are:

Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30240(b) of the Coastal Act states:

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The State Department of Parks and Recreation is proposing an 800 foot long at-grade, railroad tie and natural dirt path from the boardwalk and vista point to the beach (see Exhibit 6).

The marine terrace portion of Crystal Cove State Park (seaward of Pacific Coast Highway) contains undisturbed and revegetated coastal sage scrub, including the associated fauna. Coastal sage scrub constitutes ESHA,

especially where there are large segments of coastal sage scrub unencumbered by development. The Department of Parks and Recreation is committed to protecting, expanding and maintaining the native coastal sage scrub and protecting the marine preserve. The proposed development is protective of existing native vegetation and fragile coastal bluffs because it helps to limit volunteer trails and bluff degradation.

In its submittal package the Parks and Recreation Department stated that there are four existing parking facilities, three of which have direct beach access. The beach access for these three points consists of asphalt ramps. The ramps are wheelchair accessible. However, there was no beach access identified in the certified Public Works Plan for Pelican Point. The rationale for constructing a beach access is that: 1) there is a history of people cutting trails across the marine terrace and down the bluff at this location, and 2) visitors will cut their own trails or use existing volunteer trails to the beach from the vista point if one is not provided. Therefore, in order to curtail any further damage to the sensitive bluffs, the Department of Parks and Recreation decided to construct an at-grade and railroad tie path to the beach.

A letter submitted by the State Department of Parks and Recreation with the application states:

In talking with Department staff that prepared the GP [General Plan], clearly one of the principal considerations, and subsequent intent of the GP, was to provide public access to the beach while reducing the network of trails along the bluff edge and extending down the bluffs to the beach. The proposed foot-trail beach access will formalize use of an existing trail and eliminate the need for the extensive "volunteer" trail network that continues to degrade the integrity of the coastal bluff.

The proposed development is consistent with Section 30210 of the Coastal Act in that it maximizes access by providing an additional beach access trail, is consistent with public safety by providing a safe trail down the coastal bluffs to the beach, is consistent with resource protection by providing an official trail and eliminating volunteer trails, and is visually compatible with the surrounding area because it minimizes landform alteration and helps prevent bluff degradation. The Commission finds, therefore, that the proposed bluff trail will increase public access to the beach, minimize the disruption of the coastal terrace vegetation by aligning the proposed trail with an existing pedestrian-cut trail, and prevent further degradation of the coastal bluff and adjacent natural resources by providing a path to the beach. The proposed development is consistent with Sections 30210, 30240(b) and 30251 of the Coastal Act and the access and recreation policies of the certified Public Works Plan.

The certified Public Works Plan provided for a trail and overlook but not beach access. There are existing volunteer paths down the coastal bluffs. If the Parks Department did not construct an official path from the vista point to the beach, visitors would continue to utilize existing unauthorized paths or cut new paths, thus contributing to bluff erosion and loss of vegetation. Constructing an official path from the vista point to the beach would be protective of coastal bluff resources. There are two types of beach access at Crystal Cove State Park, ramps and at-grade paths. The ramps consist of graded asphalt and concrete walkways. The at-grade paths consist of a

combination of dirt and railroad tie steps. The proposed beach access trail is more protective of coastal bluff resources than are the beach ramps. Therefore, the Commission finds that the proposed beach access trail conforms with Section 30240 of the Coastal Act and is consistent with the resource protection policies of the certified public works plan.

E. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

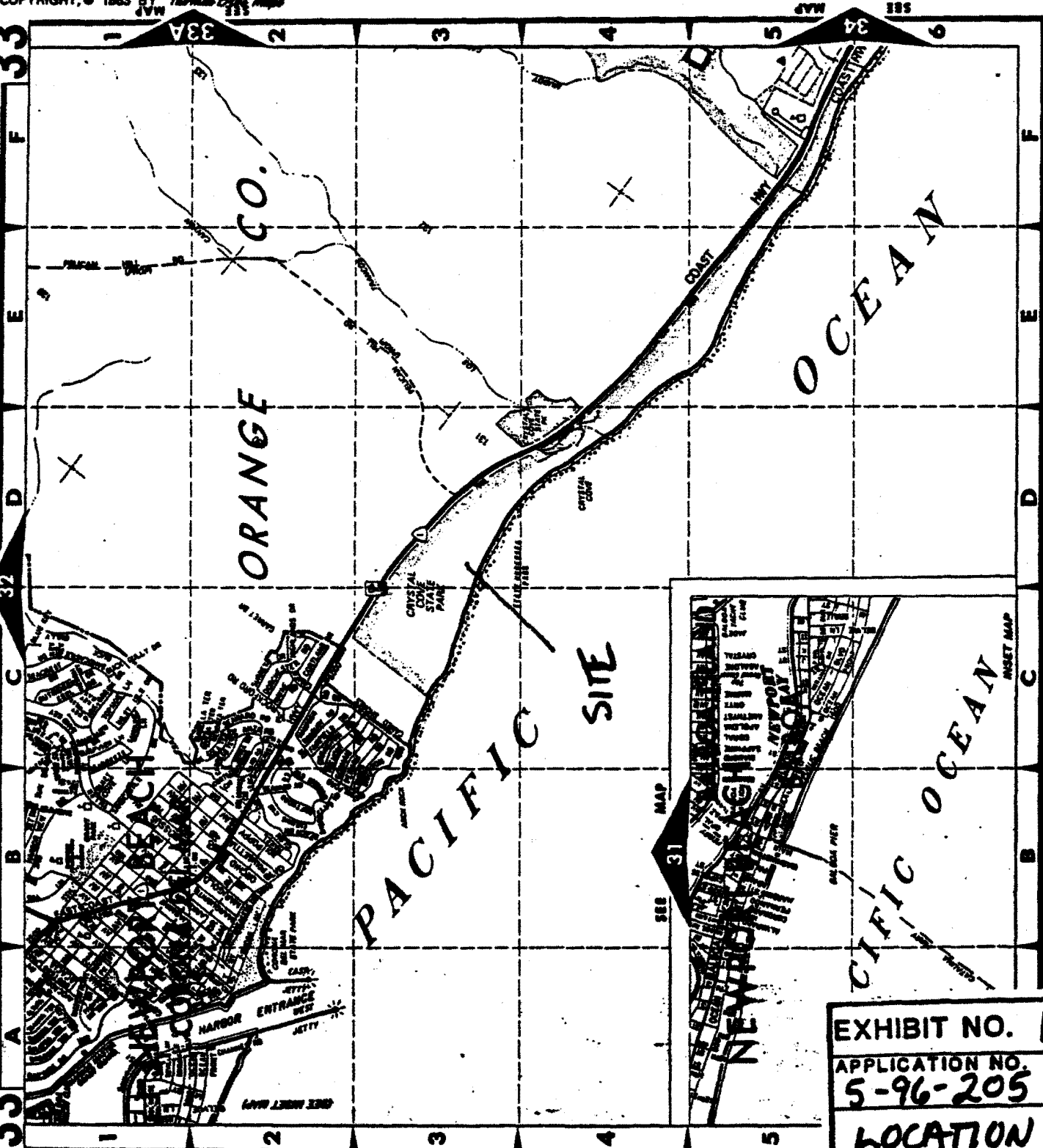
The proposed project has been found consistent with the policies of the certified Public Works Plan and sections 30210 and 30240 of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the policies of the certified Public Works Plan and the requirements of the Coastal Act to conform to CEQA.

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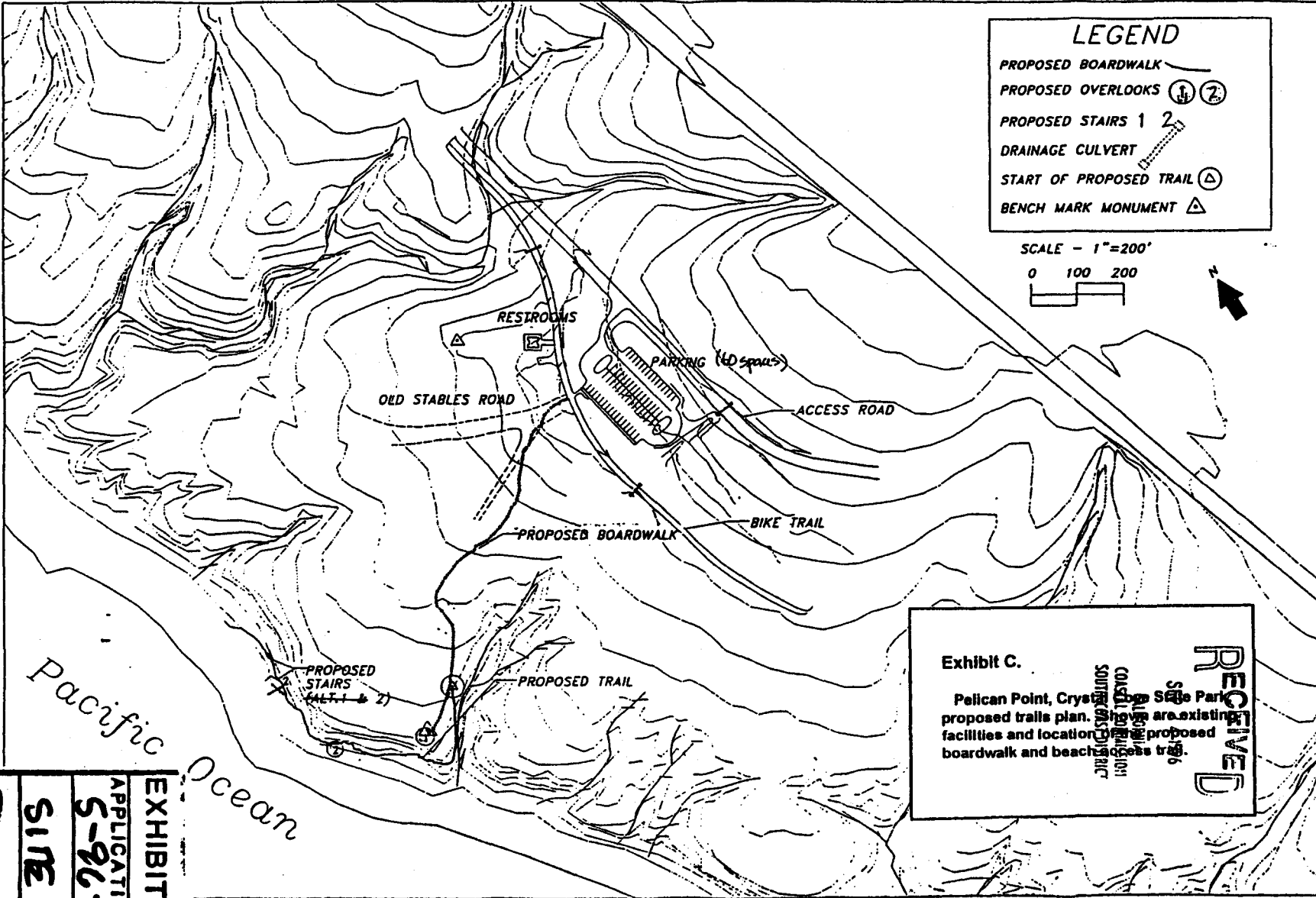


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EXHIBIT NO. 1
APPLICATION NO.
5-96-205
LOCATION

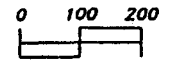
California Coastal Commission



LEGEND

- PROPOSED BOARDWALK ———
- PROPOSED OVERLOOKS (1) (2)
- PROPOSED STAIRS 1 2
- DRAINAGE CULVERT [Symbol]
- START OF PROPOSED TRAIL (A)
- BENCH MARK MONUMENT (B)

SCALE - 1"=200'



RECEIVED

Exhibit C.
 Pelican Point, Crystal Cove State Park
 proposed trails plan. All existing
 facilities and location of proposed
 boardwalk and beach access trails.

COASTAL CALIFORNIA
 SOUTHERN DISTRICT
 1966

DESIGNED BY	DATE
CHECKED BY	DATE
DEPARTMENT OF PARKS AND RECREATION SOUTHERN SERVICE CENTER APPROVED _____ DATE _____	
CRYSTAL COVE STATE PARK TRAILS PLAN	
PROJECT NO.	925-584-07
DRAWING NO.	A-1
SHEET NO.	1

5-96-205

EXHIBIT NO. 2

APPLICATION NO.
5-96-205

SITE PLAN

California Coastal Commission

Pacific Ocean

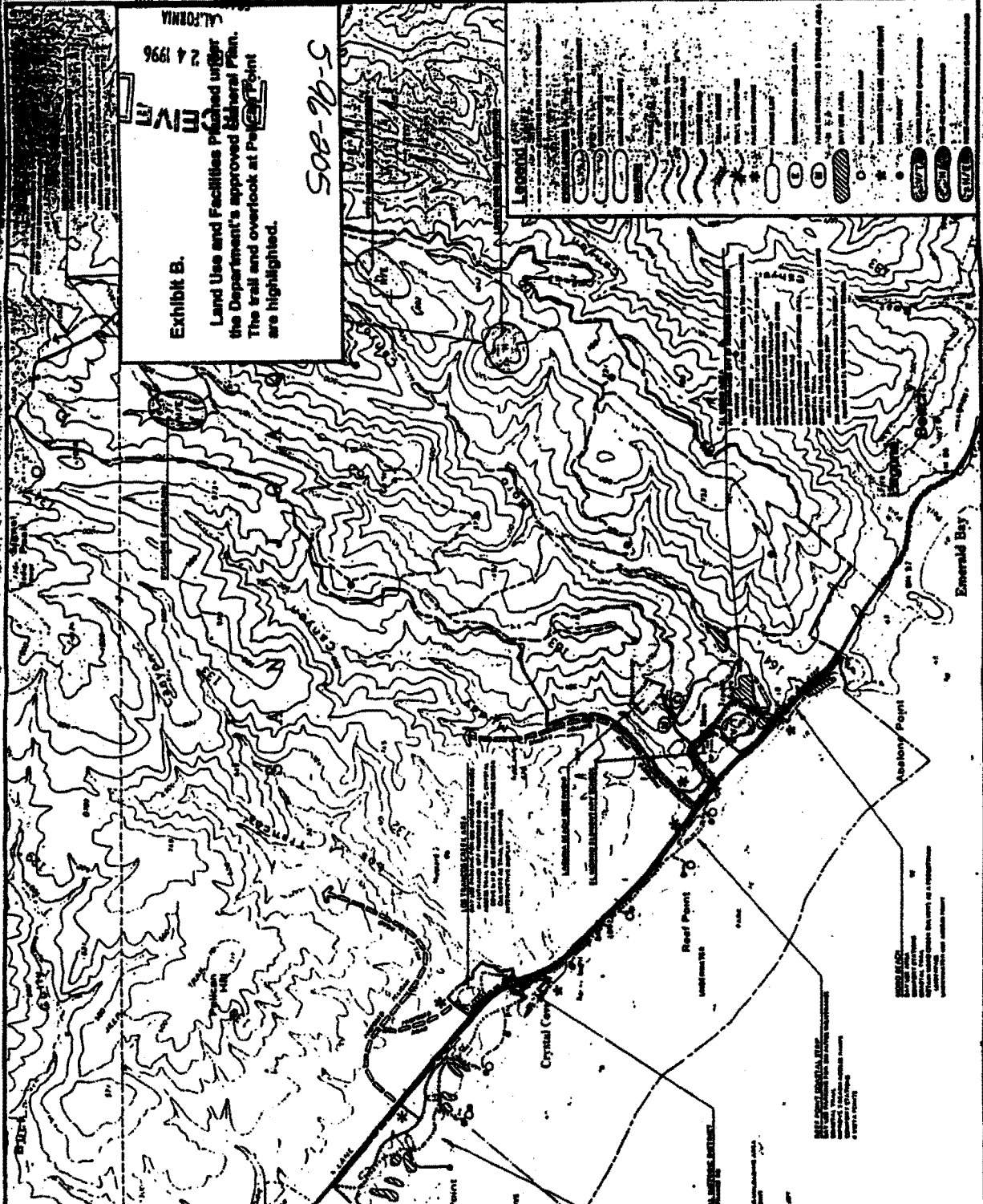
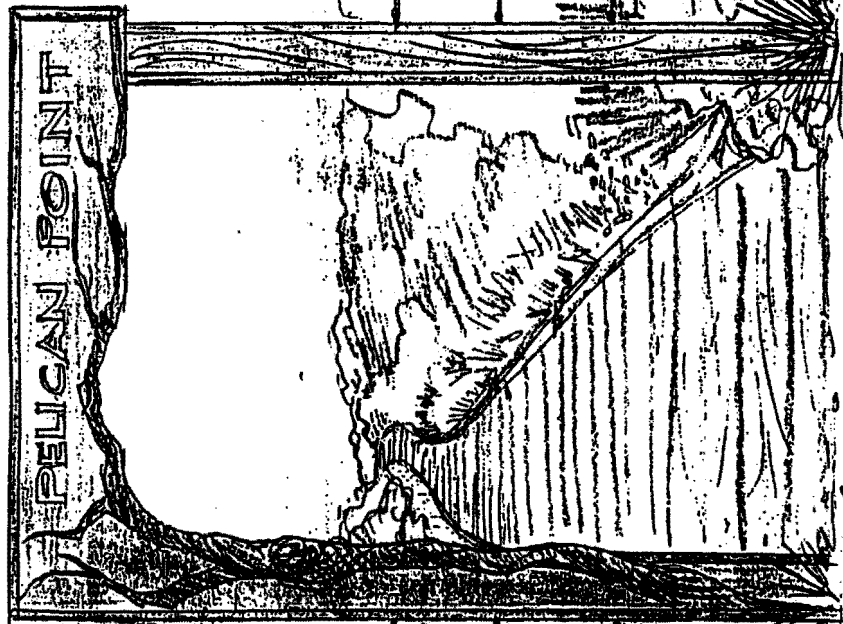


Exhibit B.
 Land Use and Facilities Planned under
 the Department's approved General Plan.
 The trail and overlook at Peacock Point
 are highlighted.

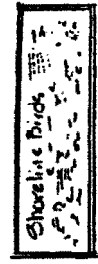
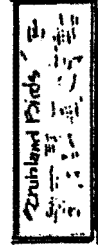
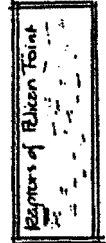
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EXHIBIT NO. 3
 APPLICATION NO.
 5-96-205
LAND USE MAP

California Coastal Commission



Use to block off area on coastal access trail for revegetation.

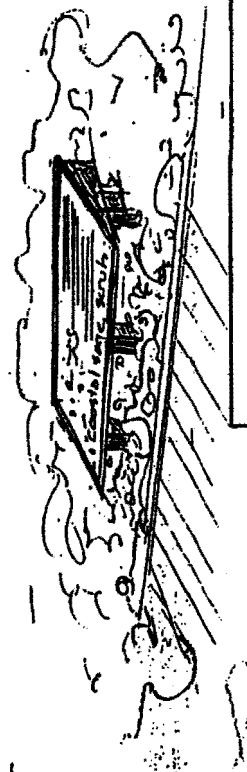


Essential Themes:


1. ecology of disturbed
2. reports
3. scrubland birds
4. shoreline birds
5. coastal edge scrub



ON PROFILE INTERPRETIVE PANELS



Trailhead Signage: The Pelican Point Trail will be closed seasonally, and as required, to protect sensitive habitats and nesting sites. Your cooperation is appreciated.

EXHIBIT NO. 4
APPLICATION NO. 5-96-205
ENTRY / PANELS
 California Coastal Commission

SEP 24 1996
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Exhibit D.

Proposed trailhead entrance (wooden structure not to exceed 10' in height) and interpretive themes and panel design.

5-96-205

INTERPRETIVE / SIGNAGE

KP Adams
3-76

5-96-205

3-96
VISTA

OVERLOOKS / SEATING

RECEIVED

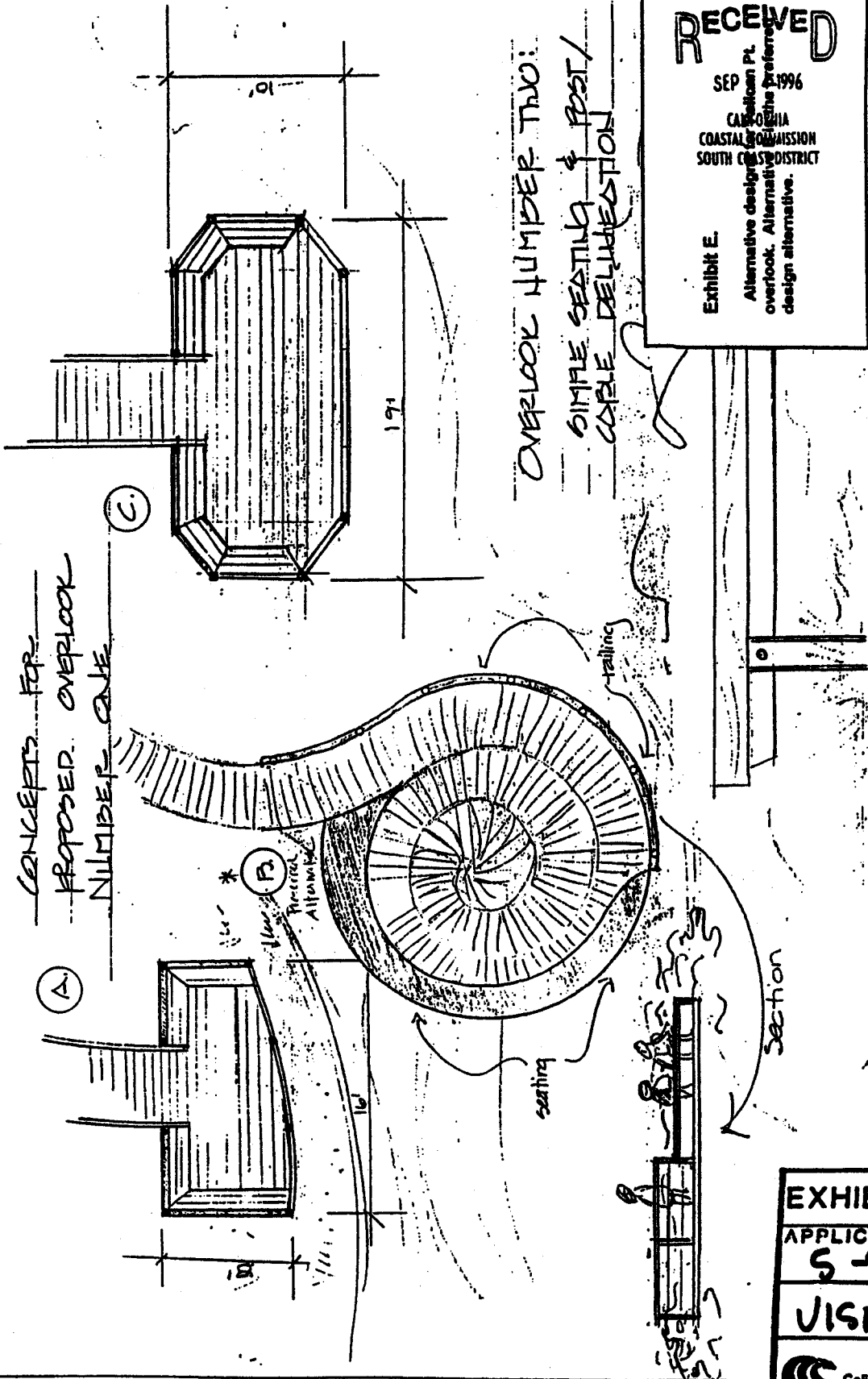
SEP 1996

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COASTAL COMMISSION
SOUTH COAST DISTRICT

Exhibit E.

Alternative design for
overlook. Alternative
design alternative.

Bench Seating for Overlook # 2



OVERLOOK NUMBER TWO:
SIMPLE SEATING & POST/
CABLE DELINEATION

EXHIBIT NO. 5

APPLICATION NO. 5-96-205

VISTA

California Coastal Commission

5-96-805

REDDMS 3-76

BLUFF STAIRS

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SEP 24 1996

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SOUTH COAST DISTRICT

Exhibit H.
Design concept for beach access trail
and stairway.

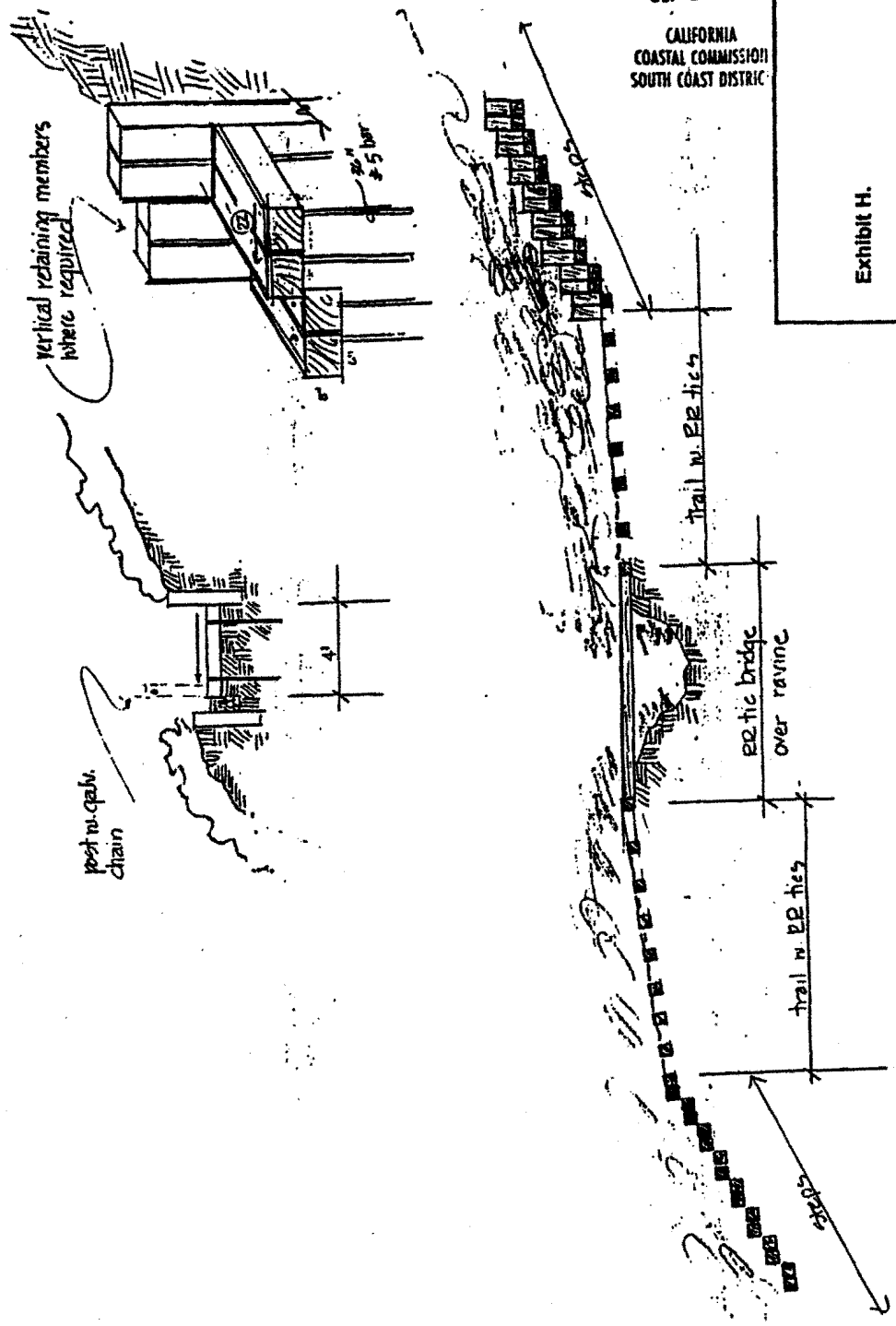


EXHIBIT NO. 6
APPLICATION NO.
5-96-205
BLUFF STAIRS

07-76-3.65

4-17-86

BPR-ARA-C

Pelican Point

Proposed Boardwalk

Proposed Beach Access Trail

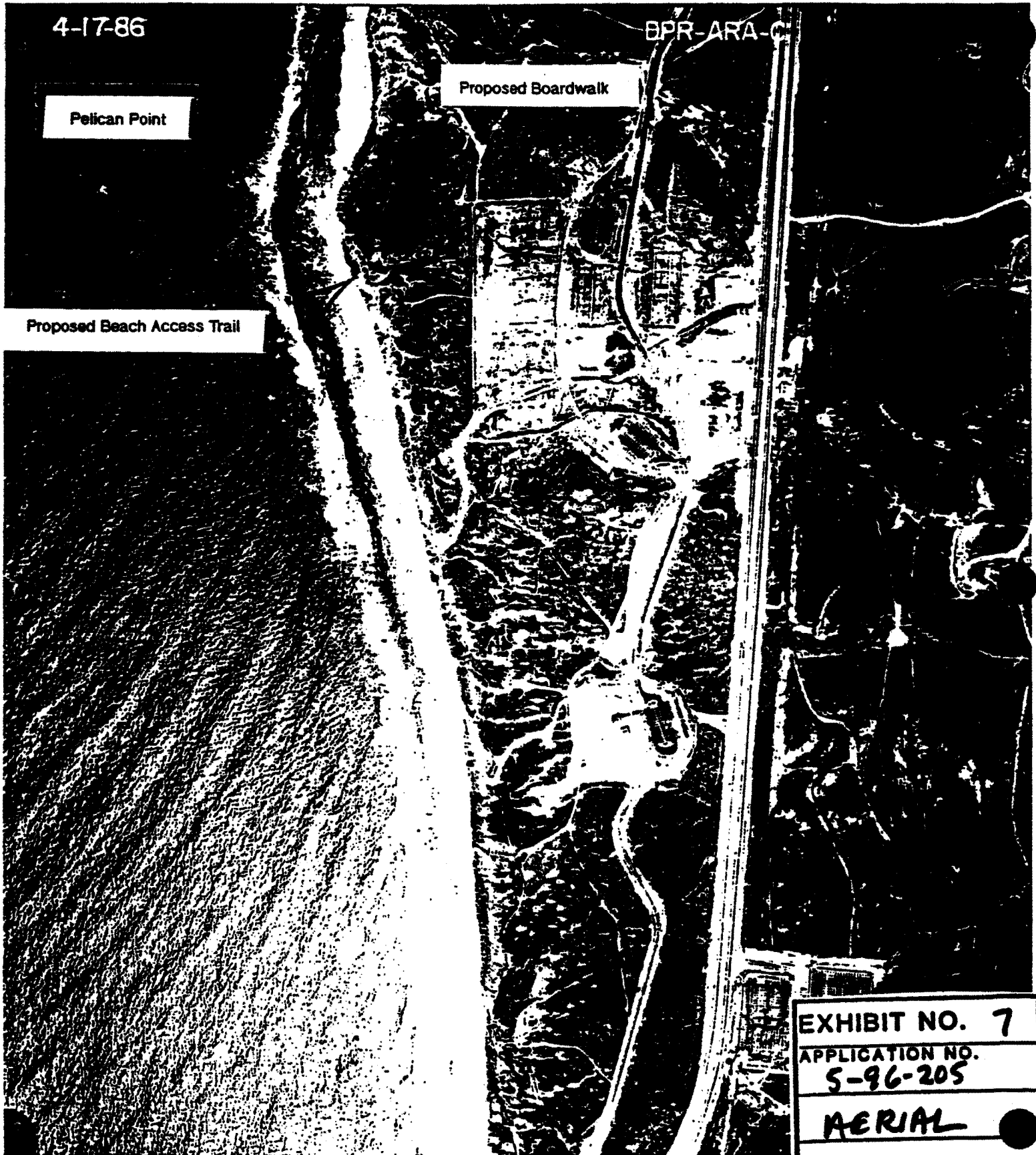


EXHIBIT NO. 7

APPLICATION NO.

5-86-205

AERIAL

California Coastal Commission

Exhibit A.

Pelican Pt, Crystal Cove State Park, 1986. The equestrian facility has been removed and State park developments constructed. The proposed trail alignment is shown.