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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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Staff: RMR-LB RMR
Staff Report: February 19, 1996
Hearing Date: March 12-15, 1996
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-95-151

APPLICANT: City of San Clemente

AGENT: Marine Safety Department

PROJECT LOCATION: Lost Winds, Calafia, Dije Court, West Portal, Linda Lane, Mariposa, Corto Lane, Marine Safety Headquarters, and North Beach in the City of San Clemente, County of Orange (see Exhibit 1)

PROJECT DESCRIPTION: Installation of 10 signs in the public right-of-way at coastal access points on bluff tops and the beach warning pedestrians of potential hazards and directing pedestrians to controlled access points.

LOCAL APPROVALS RECEIVED: Approval in concept from the City of San Clemente Planning Department and Marine Safety Department

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed development with a special condition regarding assumption of risk. There are no unresolved issues of controversy concerning the project at this time.

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

1. Assumption of Risk

Prior to the issuance of the coastal development permit the City of San Clemente shall submit for the review and approval of the Executive Director a signed document which provides that (a) the City understands that the signs to be posted at coastal access points leading to the railroad tracks will warn pedestrians that crossing the railroad tracks and/or rough ground is at their own risk and/or will direct pedestrians to controlled access points; and (b) that the City shall indemnify and hold harmless the Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the language, design, construction, operation, maintenance, existence, approval or failure of the posted signs.

IV. FINDINGS AND DECLARATIONS

A. Project Description

The City of San Clemente has 18 beach access points. Many of these access points begin at the bluff top and descend down publicly improved staircases or ramps. Pedestrians utilize the ramps or staircases which take them down the coastal bluffs to the railroad tracks and then to the beach. The purpose of the signs is to warn pedestrians of the potential dangers of crossing the railroad tracks when leaving the publicly improved and maintained accessways.

The applicant is proposing to install three different types of directional and safety signage at nine locations in the public right-of-way along bluff tops and the beach. Five of the nine proposed signage locations are on the bluff tops and four are at grade adjacent to the railroad tracks. The signs at the North Beach crossing are directional only, in that they direct pedestrians to use the authorized at grade railroad track crossing. Seven of the signs include a warning about rough ground and railroad tracks, warn pedestrians to use the crossing at their own risk, and indicate where a controlled access point is. The sign at Calafia warns pedestrians of rough ground.

B. Public Access

Section 30210 of the Coastal Act 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 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

A vicinity map showing the location of the proposed sign sites is found as Exhibit 1. Exhibit 3 shows what the content of the signs are and what they will look like. Exhibit 2 is a table from the certified LUP showing the amenities at existing access points. All signs will be posted in the public right-of-way.

The City of San Clemente is proposing to install signs in the public right-of-way at existing beach access points on coastal bluffs and at the beach level. Signs will be posted at Lost Winds, Dije Court, West Portal, Mariposa, Linda Lane, Corto Lane and the Marine Safety Headquarters. The sign at each of these accessways will state:

WARNING

BEACH ACCESS CROSSES
ROUGH GROUND AND
RAILROAD TRACKS

USE AT YOUR OWN RISK!

For Safer Controlled Access,
Use Access at [location of access]

Of these locations, Linda Lane and the Marine Safety Headquarters are at the beach and the rest are on coastal bluffs. The proposed sign for Calafia is also at beach level and simply warns the pedestrian of rough ground. The two signs proposed for the beach level at-grade crossing at North Beach are directional in nature in that they direct pedestrians to the existing controlled at grade railroad crossing.

Section 30210 of the Coastal Act provides in part that maximum access and recreational opportunities be provided for the people consistent with public safety needs. The City of San Clemente has a beach access system comprised of 18 access points. In San Clemente, pedestrians going to the beach must either go under, over or across the railroad tracks. Of the 18 total access points in the City of San Clemente, four are private and not open to the public. Three of the access points involve utilization of storm drain tunnels under the railroad tracks. Two of the access points occur in ravines below the train trestles. The access points at San Clemente State Beach and the San Clemente Municipal Pier involve underpasses. The "T" street access is an overpass. The six remaining access points are municipally improved paths down coastal bluffs leading to at-grade crossings of the railroad tracks. It is these at-grade crossings that the City is concerned about. The certified Land Use Plan for the City of San Clemente identifies these access points as part of its program for providing public access to the beach.

In placing these signs the City is addressing a public safety issue by warning pedestrians about crossing rough ground and that crossing the railroad tracks is at their own risk. Some of the access ways are not improved all the way to the beach. Therefore, pedestrians must go over rough ground, rip-rap and finally the railroad tracks. In addition to informing citizens of potential safety hazards, the City is also providing information on some of the signs informing pedestrians where safe controlled access points are located.

Posting of the signs is for informational purposes only and will not in any way involve the closure of the existing accesses. Therefore, the Commission finds that placement of these signs is consistent with Section 30210 and 30211 of the Coastal Act because the City is keeping the access ways open and thus providing maximum access to the coast and is also informing residents of rough ground and railroad crossings. However, by posting these signs, the City is acknowledging that there is some risk to pedestrians who use these coastal access points to get to the beach. Therefore, the Commission finds that the City shall submit a document for the review and approval of the Executive Director holding the Commission harmless from any claims resulting from the approval of this development (see special condition 1). Only as conditioned for compliance with an assumption of risk condition does the Commission find the proposed development in conformance with Section 30210 of the Coastal Act.

C. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act.

The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988. A major land use plan amendment overhauling the certified LUP was approved with suggested modifications by the Commission on October 11, 1995. As conditioned the proposed development is consistent with the policies contained in the certified Land Use Plan. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

D. 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 conditioned in order to be found consistent with the access and recreation policies of the Coastal Act. As conditioned, 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, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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ATTACHMENT #3

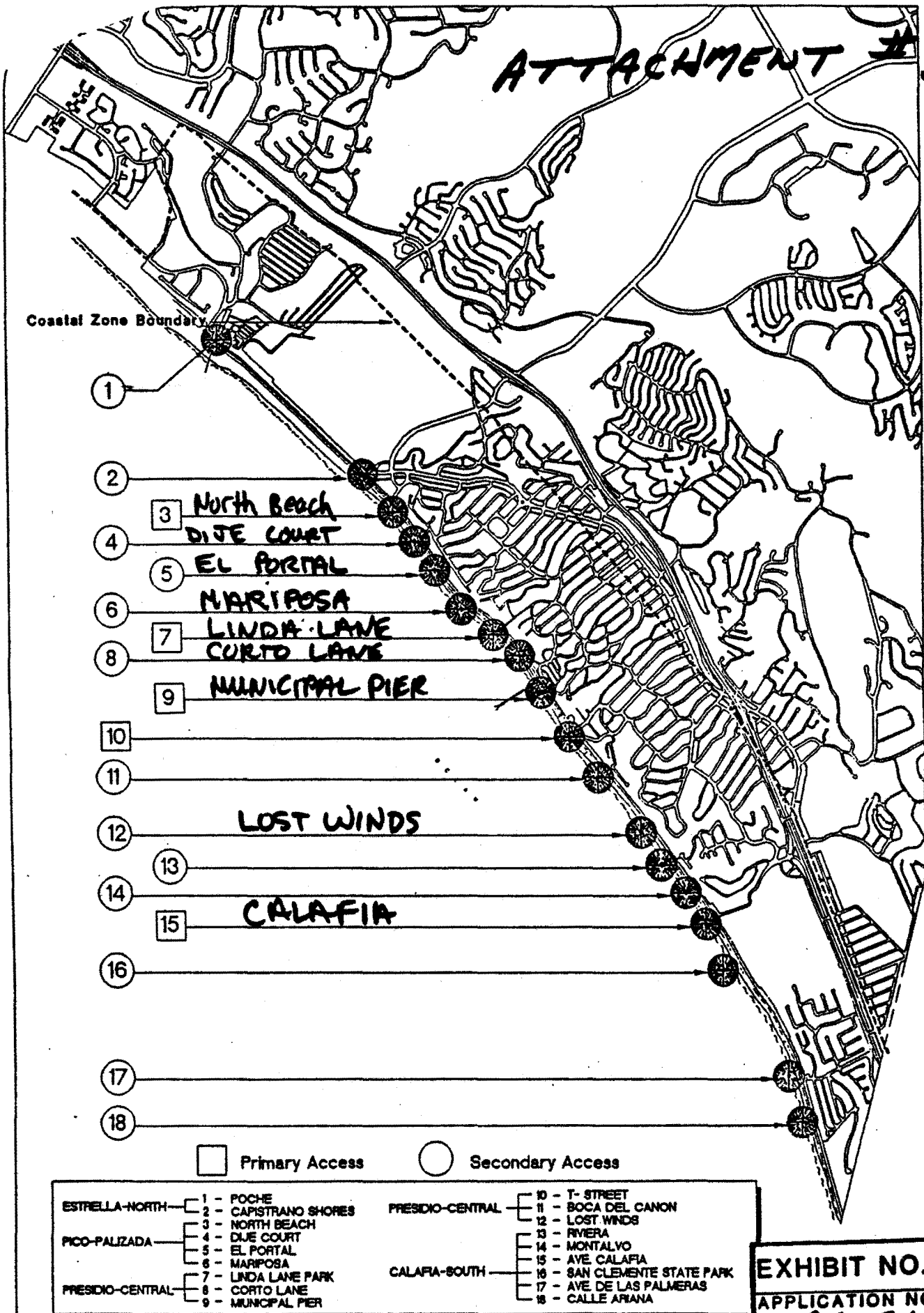


FIGURE 2-5

CITY OF SAN CLEMENTE COASTAL ACCESS POINTS

EXHIBIT NO. 1

APPLICATION NO.

5-95-151

VICINITY




EXHIBIT NO. 2

APPLICATION NO. 5-95-151

ACCESS TABLE

TABLE 2-2

SUMMARY OF EXISTING SHORELINE ACCESS POINTS IN SAN CLEMENTE

Area Division	Access Point #	Location/Name	Regional Access: Connection To I-5	Type of Developed Public Access	Type of Railroad Crossing	Amenities	# of Parking Spaces		
							Off-St.	On-St.	Total
Estrella/ North	1	Poche	Ave. Pico	Stairs & tunnel beneath PCH	Storm Drain Tunnel	None	0	10	10
	2	Capistrano Shores Mobile Home Park	Ave. Pico	None (Private)	At-Grade	None	0	0	0
Pico/ Palizada	3	North Beach	Ave. Pico	Foot-Path	Asphalt Paved At-Grade	Picnic table, snack bar, showers, restrooms, child play areas & fire pits	250	100	350
	4	Dije Court	Ave. Pico or Ave. Palizada	Stairway	At-Grade	None	0	10	10
	5	Ave. W. El Portal	Ave. Pico or Ave. Palizada	Stairway	At-Grade/Below Trestle	None	0	10	10
	6	Mariposa	Ave. Pico or Ave. Palizada	Asphalt paved ramp	At-Grade	None	0	15	15
Presidio/ Central	7	Linda Lane City Park	Ave. Palizada/ Ave. Presidio	Foot-Path	Storm Drain Tunnel	Turf picnic area, restrooms, volleyball courts, showers	135	0	135
	8	Corto Lane	Ave. Palizada/ Ave. Presidio	Stair-way	At-Grade	Shares Linda Lane Amenities	0	5	5
	9	San Clemente Municipal Pier	Ave. Palizada/ Ave. Presidio	Foot-Path	Underpass & Paved Asphalt At-Grade	Restaurant, tackle, restrooms showers, picnic tables	133	102	235
	10	T Street	El Camino Real	Foot-Path	Overpass	Restrooms, showers, fire pits picnic tables, volleyball courts	0	150	150
	11	La Boca del Canon	El Camino Real	None (Private)	At-Grade	None	0	0	0
	12	Lost Winds	El Camino Real	Foot-path/Stairway	At-Grade	None	0	10	10
Calafia/ South	13	Riviera	Ave. Calafia	Stairway	Storm Drain Tunnel	None	0	10	10
	14	Montalvo	Ave. Calafia	Stairway/Foot-path	Below Trestle	None	0	0	0
	15	Calafia - S. C. State Beach	Ave. Calafia	Foot-path	At-Grade	Restrooms, snack bar, fire pits, showers	210	0	210
	16	San Clemente State Beach	Ave. Calafia	Foot-path/Tunnel	At-Grade Underpass	Restrooms, showers, picnic tables, barbecues	200	0	200
	17	Ave. de Las Palmeras	Cristianitos	None (Private)	At-Grade Underpass	None	0	0	0
	18	Calle Ariana	Cristianitos	None (Private)	At-Grade	None	0	0	0
Total							928	422	1,350


2-18

DESCRIPTION OF
GENERAL SIGN

- RED LETTERS
ON PLATE TO WHITE
 - MDO (WOOD)
- WITH ROUNDED
CORNERS

LOST WINDS

CALAFIA

EXHIBIT NO. 3
APPLICATION NO. 5-95-151
SIGNS
 California Coastal Commission

WARNING

BEACH ACCESS CROSSES
ROUGH GROUND AND
RAILROAD TRACKS

USE AT YOUR OWN RISK!

For Safer Controlled Access,
Use T-Street Overpass at the end of Trafalgar St.

WARNING

BEACH ACCESS CROSSES
ROUGH GROUND AND
RAILROAD TRACKS

USE AT YOUR OWN RISK!

For Safer Controlled Access,
Use Access at Riviera Underpass

WARNING

BEACH ACCESS CROSSES
ROUGH GROUND

USE AT YOUR OWN RISK!

DIJE COURT
WEST PORTAL

WARNING

BEACH ACCESS CROSSES
ROUGH GROUND AND
RAILROAD TRACKS

USE AT YOUR OWN RISK!

For Safer Controlled Access, Use North Beach
At The End Of Ave. Pico

MARIPOSA

WARNING

BEACH ACCESS CROSSES
ROUGH GROUND AND
RAILROAD TRACKS

USE AT YOUR OWN RISK!

For Safer Controlled Access, Use Pier or
North Beach At The End Of Ave. Pico

LINDA LANE
CORTO LANE
MARINE SAFETY
HEADQUARTERS

WARNING

BEACH ACCESS CROSSES
ROUGH GROUND AND
RAILROAD TRACKS

USE AT YOUR OWN RISK!

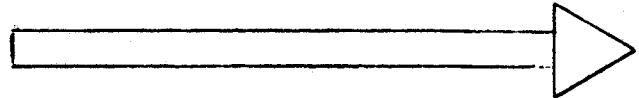
For Safer Controlled Access,
Use The Access at The Base of the Pier

NORTH BEACH

WARNING

ACTIVE RAILWAY

USE PEDESTRIAN CROSSING



NORTH BEACH

WARNING

ACTIVE RAILWAY

USE PEDESTRIAN CROSSING

