

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071



Filed: 07-16-98
49th Day: 09-03-98
180th Day: 01-12-99
Staff: RMR-LB RMR
Staff Report: 09-15-98
Hearing Date: October 13-16, 1998
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-98-187

APPLICANT: City of San Clemente

AGENT: Marine Safety & Recreation

PROJECT LOCATION: 100 Avenida Presidio, City of San Clemente

PROJECT DESCRIPTION: Installation of a new 3/8 inch, 75 foot long sheetpile wall in front of the Marine Safety Building. The sheetpile wall will be driven five feet into the beach. All new and exposed existing sheetpile will be cut off at beach grade and capped with rubber at the sand line.

Lot area:	NA
Building coverage:	NA
Pavement coverage:	NA
Landscape coverage:	NA
Parking spaces:	NA
Plan designation:	OS1
Project density:	NA
Ht abv fin grade:	NA

LOCAL APPROVALS RECEIVED: Approval in Concept from the City of San Clemente

SUBSTANTIVE FILE DOCUMENTS: Emergency Permit 5-98-187-G

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed development with a special condition regarding assumption of risk. The applicant does not object to the special condition and there are no outstanding issues of controversy.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and the 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 effects 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 a signed agreement, for the review and approval of the Executive Director, stating that the City

understands that: a) the site is subject to hazard from wave uprush and storm tides and (b) that the City unconditionally releases and waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees against all claims.

IV. Findings and Declarations.

A. Project Description and History

The proposed development consists of the construction of a new 3/8 inch, 75 foot long sheetpile wall in front of the Marine Safety Building (see Exhibit 2). The sheetpile wall will be driven five feet into the beach. All new and exposed existing sheetpile will be cut off at beach grade and capped with rubber at the sand line.

The Marine Safety Building is located on the sandy beach approximately 600 feet north of the San Clemente Pier. The Marine Safety Building houses the lifeguards and beach services department of the City of San Clemente. The building is located on City property and State Lands Commission review is not required because the building is not located beyond the mean high tide line.

The Marine Safety Headquarters building is 126 feet long and 58 feet wide. The existing sheetpile wall is located seven feet seaward of and wraps around the seaward front and sides of the Marine Safety Headquarters building. There is a parking lot behind the building with a maintenance/access road. The railroad tracks are directly behind the parking lot.

The City applied for and was issued an emergency permit for installation of the 75 feet of sheetpile wall on June 5, 1998 (see Exhibit 4). An emergency permit was required because the existing sheetpile wall collapsed during a high tide and the City had to cut away a 40 foot section of the wall to keep further damage from occurring. The sheetpile wall protects the footings of the building from wave attack. The emergency work has been completed.

In this follow-up permit the applicant is proposing to replace 75 feet of the damaged sheetpile wall, cut down the exposed sheetpile wall on the southern portion of the building, and cut down the proposed sheetpile wall to beach grade and cap the surface sheetpile with rubber. No work is proposed for the intact sheetpile on the inland sides of the building.

B. Shoreline Protection Structures

Section 30235 of the Coastal Act provides guidelines for the construction of construction which alters shoreline processes. It states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

The proposed development consists of the installation of a new sheetpile wall adjacent to the existing damaged sheetpile wall which protects the footings and foundation of the Marine Safety Building. The Marine Safety Building predates the Coastal Act. The ocean side of the old wall failed. The new wall is made of 3/8 inch thick sheetpile and is thicker and stronger than the previous sheetpile wall. The new sheetpile wall was driven five feet down into the beach and then cut off at the sand line and capped with rubber. The building department of the City of San Clemente provided a letter stating that the new sheetpile wall "...will be satisfactory for the purpose it serves for many years to come." This letter is included as Exhibit 3.

Section 30235 of the Coastal Act stipulates that shoreline protective measures which alter natural shoreline processes be permitted when required to serve coastal dependent uses, to protect existing structures or to protect public beaches from erosion. The proposed development is designed to protect an existing structure, the Marine Safety and Recreation Building. The proposed development consists of the replacement of portions of an existing damaged sheetpile wall with a new sheetpile wall. In order to minimize adverse effects, the sheetpile wall is cut at grade and capped with rubber to prevent potential injury to beach-goers. In addition, the sheetpile wall is located in the same location as the existing sheetpile wall, will be below grade and therefore will not adversely affect the shoreline sand supply.

The Commission finds that the proposed sheetpile wall is necessary to protect an existing building and is therefore consistent with Section 30235 of the Coastal Act regarding shoreline protective structures. However, the sheetpile wall and the existing building are situated on the beach and subject to the destructive force of the ocean, as was demonstrated in the destruction of the previous sheetpile wall. The Commission finds that the proposed development does not guarantee that the building will not be damaged in future storms. For this reason, the Commission finds that the City be conditioned to provide a letter acknowledging the risks of development at this location and absolving the Commission from any liability. Only as conditioned does the Commission find that the proposed development conforms with Section 30235 of the Coastal Act.

C. Public Access and Recreation

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea includes a specific finding that the development is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act. The proposed development is located between the sea and the first public road.

Section 30212 of the Coastal Act states, in relevant part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (2) adequate access exists nearby.

The proposed development is located on a sandy public beach. The development consists of the replacement of 75 feet of damaged sheetpile wall with a new sheetpile wall to protect the footings and foundation of the Marine Safety and Recreation Building. The new sheetpile wall will be placed seven feet seaward of the building and directly against the existing sheetpile wall which

was not damaged during the El Nino storms. The new sheetpile wall will be cut off at the existing sand level and will be capped with rubber for safety purposes.

The development occurs on a sandy public beach operated by the City of San Clemente. There is an existing public beach access point at the San Clemente Pier and another one close by at Linda Lane Park. The San Clemente Pier and its beach is the most popular beach destination point in San Clemente. The public has access to both the Pier and the public beach at this location. The proposed sheetpile wall will not interfere with pedestrians' use of the beach because the wall is cut off at grade and capped with rubber to prevent injuries to beach-goers.

Therefore, the Commission finds that the proposed development does not pose significant adverse impacts on public access and recreation and is consistent with Section 30212 of the Coastal Act.

D. 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.

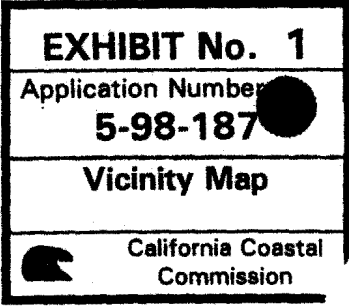
The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998 the Commission certified with suggested modifications the IP portion of the Local Coastal Program. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan regarding shoreline protection and public access. 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).

E. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, 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)(A) 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 effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the shoreline protection policies of the Coastal Act. Mitigation measures; a special condition requiring conformance with an assumption of risk condition, will minimize all adverse effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse effect which the activity may have on the environment.

Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



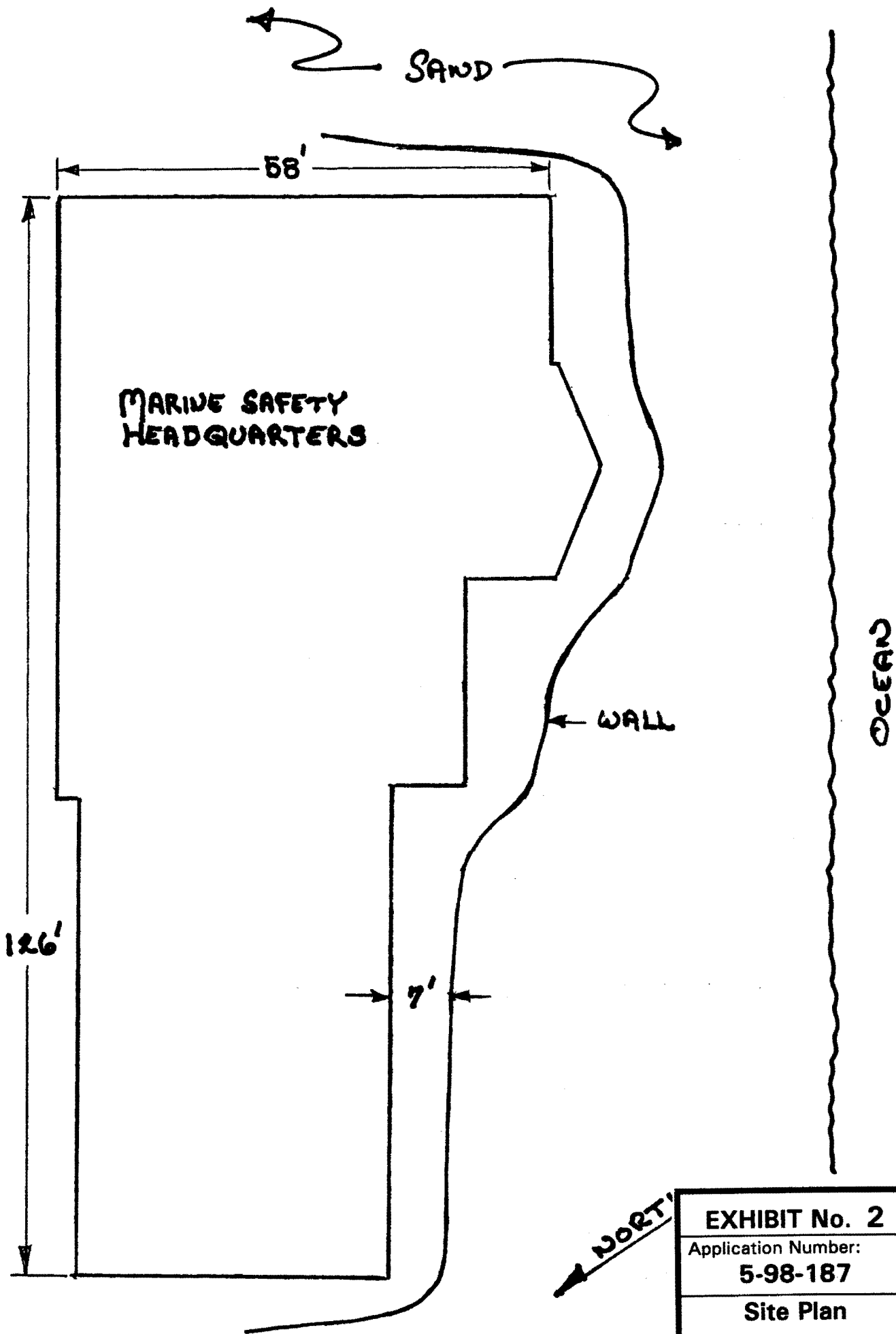


EXHIBIT No. 2

Application Number:

5-98-187

Site Plan

California Coastal



**City of San Clemente
Building Division**

Trang Huynh, Building Official

FAX: (714) 361-8281

May 7, 1998

Robin Maloney-Rames, Coastal Analyst
South Coast Area Office
California Coastal Commission
200 Oceangate, 10th Floor, Suite 1000
Long Beach, CA 90802-4302

Re: Emergency Repairs To Marine Safety Headquarters Sheet Pile Wall In San Clemente.

Dear Robin:

This letter is in response to your recent request for information regarding the City of San Clemente's emergency repairs to the existing steel sheet pile wall that protects the Marine Safety Headquarters building approximately 600 feet north of the San Clemente pier.

The emergency repairs have been virtually complete with an installation of a new steel sheet pile wall immediately ocean ward of the sheet wall that recently collapsed. The new wall wraps around the old wall as closely as possible and will be cut down to approximately the same height of the old wall. Because only the ocean side of the old wall failed, the new wall is connected to the old side walls as they turn up along the sides of the building. The cut off elevation approximates the natural slope of the beach, which is usually covered with sand during the majority of the year, especially during the summer months. The top of the new wall will be equipped with a soft pliable rubber cap for added safety, just like the old wall.

The new wall is made of 3/8 inch thick steel sheet pile, which is much thicker and stronger than the old wall. Due to the added thickness and time that was taken to install the new sheet pile wall, the sheets were able to be driven an average of 5 feet into the hard soil. I have completed engineering calculations on the wall, given the type of substrate, depth of penetration, construction material and other

Building Division 910 Calle Negocio, Suite 100 San Clemente CA 92673

EXHIBIT No. 3

Application Number:

5-98-187

Submittal Letter



California Coastal
Commission

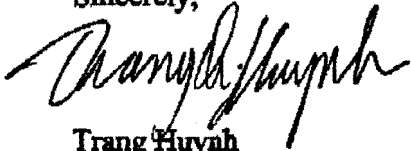
City of San Clemente

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pertinent factors, I consider that the new wall will be satisfactory for the purpose it serves for many years to come.

Please feel free to contact me at (949) 498-2533, Ext. 3200 or Lynn Hughes at (949) 361-8260, if we can be of any assistance. Thank you very much.

Sincerely,



Trang Huynh
Building Official

cc: Lynn Hughes, Marine Safety & Recreation Manager

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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceanside, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

EMERGENCY PERMIT

TO: City of San Clemente
Marine Safety & Recreation Division

100 Avenida Presidio

San Clemente, CA 92672

June 5, 1998

Date

5-98-187G
(Emergency Permit No.)

Marine Safety Headquarters Building, 100 Avenida Presidio, San Clemente
Location of Emergency Work

Installation of a new 3/8 inch sheetpile wall in front of and on the sides of
the Marine Safety Building. The new sheetpile wall is 3/8" thick and will be
driven five feet into the beach and capped with rubber. The sheet pile
will not protrude above beach grade at normal beach conditions.

Work Proposed

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of storm wave erosion damaged the existing sheetpile wall protecting the Marine Safety Headquarters and threatened the structural stability of the building footings requiring immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director hereby finds that:


- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of the permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows; and
- (c) As conditioned the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the reverse.

Very Truly Yours,

Peter M. Douglas
Executive Director

By: Jessie Henry
Title: District Manager

EXHIBIT No. 4
Application Number: 5-98-187
Emergency Permit
 California Coastal Commission

CONDITIONS OF APPROVAL:

1. The enclosed form must be signed by the property owner and returned to our office within 15 days.
2. Only that work specifically described above and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed within 30 days of the date of this permit.
4. Within 60 days of the date of this permit, the permittee shall apply for a regular Coastal Permit to have the emergency work be considered permanent. If no such application is received, the emergency work shall be removed in its entirety within 150 days of the date of this permit unless waived by the Director.
5. In exercising this permit the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.

For Emergency Shoreline Protection Projects:

7. If rock is used to construct the shoreline protective project, only clean, large rock shall be used. No fill materials or construction spoils shall be used. Applicant shall promptly remove without the aid of heavy machinery any rock that becomes dislodged and deposited on the beach.
8. OTHER: _____

Condition #4 indicates that the emergency work is considered to be temporary work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate an easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission Area office.

Enclosures: 1) Acceptance Form; 2) Regular Permit Application Form

cc: Local Planning Department