

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

521-8036



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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-52

Applicant: California Department of Parks and Recreation Agent: Paul Webb

Description: Relocate an existing restroom structure to an inland location in the southeastern portion of the South Cardiff State Beach day use facility.

Site: South Cardiff State Beach parking lot located on the west side of Highway 101, Cardiff, Encinitas, San Diego County. APN 263-011-16

Substantive File Documents: Certified City of Encinitas Local Coastal Program; Coastal Development Permit #6-98-52-G

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed development with a condition which requires submittal of a plan that addresses the interim clean-up and of the site from which the restroom was removed from. With this condition the Commission is assured potential impacts to public access and visual resources are minimized consistent with Coastal Act policies.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development 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, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final development plans which indicate that the area from which the restroom was removed from is restored through the removal of excess debris and rubble. In addition, it shall be documented that the existing temporary fence surrounding this area is reduced in height and pulled in as close as possible to encompass the minimum amount of area such that public safety is assured and visual impacts are minimized.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The applicant proposes to relocate an existing restroom structure to an inland location in the southeastern portion of the South Cardiff Beach state park day use facility. The subject site is located in the southernmost portion of the City of Encinitas on the west side of Highway 101. The subject site is a beachfront facility constructed in 1995/96 and has been subject to hazard from wave action and erosion since its completion. The site consists of a 520-space parking lot, two comfort stations (restrooms), an entrance kiosk, public walkways, beach access stairs, and landscaping and shoreline protection. Prior to the development of the existing parking lot and associated day-use facilities, a concrete wall/revetment existed along the western limits of the site to provide protection from storm waves. Since the improvements were constructed, storm waves have resulted in severe damage to the revetment, walkways and other structures. On May 8, 1998 the Executive Director issued an emergency permit (CDP #6-98-52-G) to temporarily relocate an existing restroom structure to the inland extent of the parking lot as it was threatened due to wave runup and erosion. As such, it was relocated to the southeastern most portion of the site, near Highway 101 (well removed from the ocean). This follow-up permit requests approval of the restroom at this location. There are 2 restrooms on the subject site. The restroom at the shoreline location on the southern part of the site is unaffected by this proposal.

The subject site is within the Commission's area of original jurisdiction. As such, the standard of review is Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance.

2. Public Access/Visual Resources. The proposed development is located at South Cardiff Beach State Park, a day use facility. In this area of the coast, old Highway 101 is the designated first public roadway. As the proposed development will occur between the first public roadway and the sea, a public access finding must be made, pursuant to Section 30604(c) of the Coastal Act. In addition, the area is described as a visual and scenic area in the certified Encinitas Local Coastal Program. Section 30251 of the Coastal Act requires that new development be sited and designed to not adversely impact scenic and visual resources.

There are approximately 520 parking spaces in the existing parking lot. Permanently siting the restroom at the proposed location will result in a total of 11 regular parking spaces being displaced. However, 3 of the spaces that will be displaced will be converted to 2 handicapped spaces immediately adjacent to the restroom for a total net loss of 9 spaces. The applicant states that based upon the usage of the lot, the loss of the spaces will not result in any loss of beach access opportunities for the public. The applicant states that although the department is not currently charging a parking fee at the day use facility (as a result of the lack of restroom facilities and other amenities), there are always ample free parking spaces in the lot. While there will be a net loss of 9 parking spaces, based on the situation and the existing size of the lot, it is not anticipated that the loss of these spaces will have a significant impact on public access/parking.

Another issue raised by the proposed development relates to the state of existing facilities at this public parking lot. As previously noted, recent storms have resulted in severe damage to the facilities at this parking lot. Walkways, railing, stairs and other structures were either destroyed or severely damaged. Because the restroom subject to this application was also threatened, it was relocated inland (Emergency Permit #6-98-52-G). However, the area of the parking lot where it was removed from has been fenced-off with temporary fencing and contains various rubble and debris. This has resulted in areas where public access is restricted.

The area of heaviest damage, northerly of the sheet-pile wall, is also an open area where access has been restricted through fencing. Similar to the area around the southerly restroom, the physical conditions of the site preclude public access due to broken slabs, missing pipe rails and other debris. In this area, the pipe rail fencing precludes direct access to the water. The applicant states that both areas will be the subject of future development that will hopefully correct current problems and maximize public access.

However, at this writing there are no cleanup or construction plans detailing when, how, and what improvements will be proposed. In the interim, the Commission is

also concerned that the current state of the shoreline along South Cardiff State Beach results in adverse impacts to public access and the visual quality of this scenic area. While the Commission understands that the public can access the beach at other locations within this facility, broken slabs, missing pipe rails and fencing restrict the public's ability to use the northern most portion of the site, where the restroom has been removed from. In addition, this debris and existing temporary fencing are a visual impediment as well. The Commission recognizes the applicant's inability to construct access improvements until funding has been obtained; however, the Commission finds some immediate attention to the current situation is necessary to find the project consistent with the policies of the Coastal Act. The Commission finds that the applicant must restore the area from which the restroom was removed from by cleaning-up the site to the extent feasible, pulling in the fence to encompass the minimum amount of area and reduce the height of the fence if possible. In this way it can be assured the impacts to public access and visual resources are minimized, in the interim, until long-term restoration of the site is designed and funded. Only as conditioned can the Commission find the proposed project consistent with the public access and recreation and visual resource policies of the Coastal Act.

3. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site is located in the southern most portion of the City of Encinitas on the west side of Highway 101. The proposed development, although within the boundaries of the City of Encinitas, is within the jurisdiction of the California Department of Parks and Recreation and does not require review or approval from the City. In addition, in November of 1994, the Commission approved, with suggested modifications, the City of Encinitas Local Coastal Program (LCP). Subsequently, on May 15, 1995, coastal development permit issuing authority was transferred to the City. However, the subject site is within the Commission's area of original jurisdiction. As such, the standard of review is Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance.

The subject site is zoned and planned for visitor-serving uses in the certified City of Encinitas LCP. The proposed development will have no impact on these designations. As conditioned, the Commission finds the proposed development consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds the proposed development, as conditioned, will not adversely affect the City's continued implementation of its certified LCP.

4. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission

approval of a Coastal Development Permit to be supported by a finding showing the permit, as conditioned, is 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.

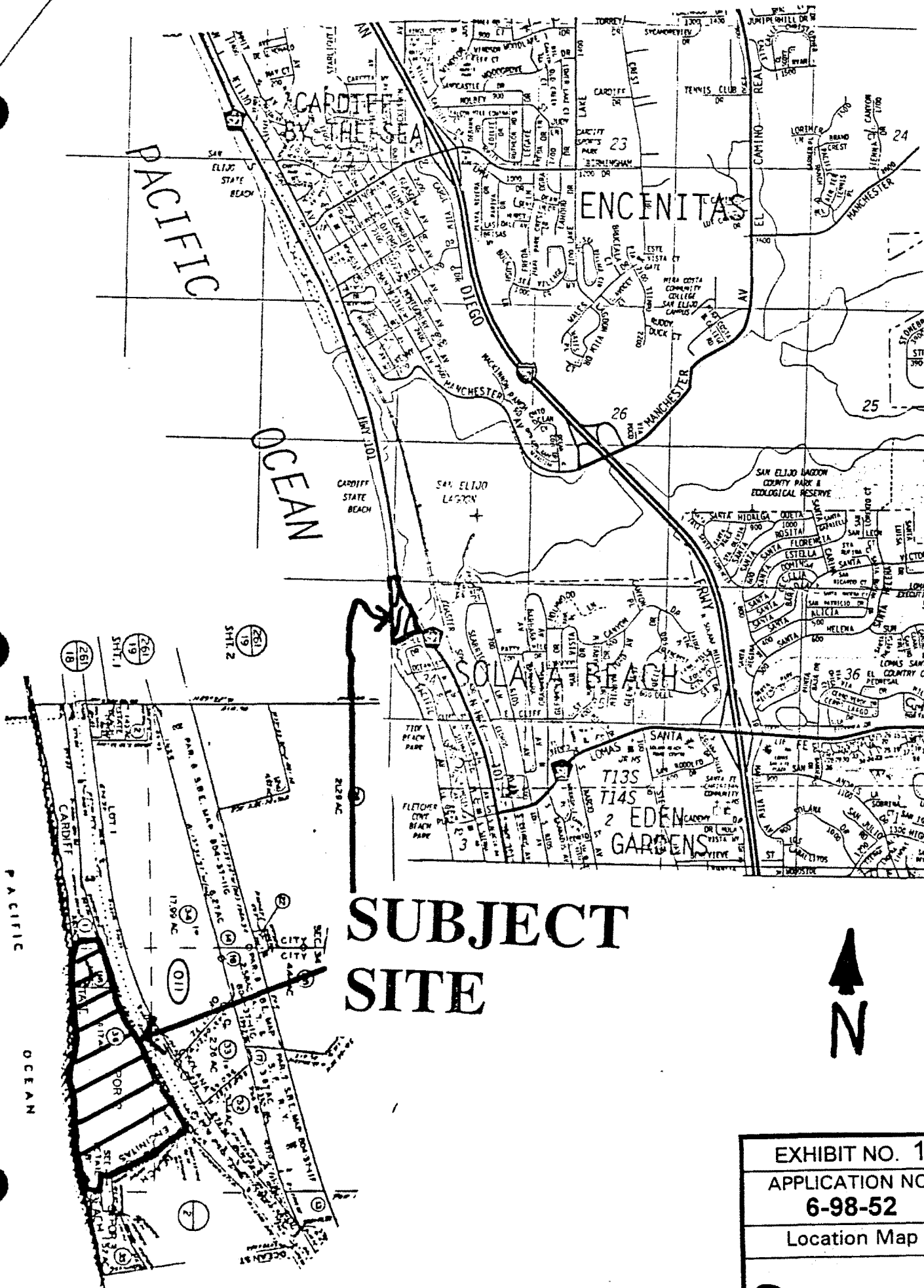
The proposed project has been conditioned to be found consistent with the public access policies of the Coastal Act. The attached mitigation measures will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would 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.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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 on which the Commission voted on the application. 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 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 development during construction, 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.

(G:\San Diego\Reports\1998\6-98-052 CA Parks & Rec.doc)



**SUBJECT
SITE**



EXHIBIT NO. 1
APPLICATION NO.
6-98-52
Location Map

Comfort Station #1
Relocated to



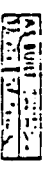
PACIFIC OCEAN

CARDIFF STATE BEACH (SOUTH)

HIGHWAY 101



① PAVEMENT AND STRIPING PLAN



PROPOSED
RIPRAP

COMFORT
STATION #21

EXISTING
RIPRAP

STREET PILE WALL AND CONCRETE SLOPE PROTECTION

RECEIVED

DEC 16 1997

CALIFORNIA
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DISTRICT

EXHIBIT NO. 2
APPLICATION NO.
6-98-52
Site Plan

California Coastal Commission