

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

521-8036



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 Staff: WNP-SD
 Staff Report: 4/23/99
 Hearing Date: 5/11-14/99

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-18

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

Description: Renovation and/or reconstruction of six beach access stairway landings within an existing State Park facility. The landings are proposed to be constructed of concrete; wooden timber "sacrificial" stair sections are proposed. Also proposed are three replacement storm drains and one new storm drain. These structures will consist of a headwall located on a concrete foundation. The foundation will be located below the beach level. The base of the foundation will be located at a minimum of 4 feet below the mean high tide line.

Site: San Elijo State Beach Campground located at Old Highway and Chesterfield Drive, Encinitas, San Diego County.

Substantive File Documents: Certified City of Encinitas Local Coastal Program

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed development with conditions that require submittal of plans which revise the project to not include any further encroachment onto the beach than that of the existing stairways, that existing riprap proposed at the base of the stairway landings shall be removed, that the foundation for the proposed drainage headwalls be revised to eliminate seaward encroachment onto the beach, that construction responsibilities and debris removal shall be the applicant's responsibility, that disturbance to sand and intertidal areas shall be minimized, that any change in the design of the revetment or future additions/reinforcement seaward of the riprap will require a coastal development permit and that a signed agreement shall be submitted absolving the Commission of any claim of liability for approval of the project. With these conditions the Commission is assured potential impacts to public access 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 Revised Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final revised plans for the stairway improvements which shall include the following:

a. The alignment of the replacement stairway landings shall be identical to or landward of the alignment of the existing landings. No additional encroachment onto the public beach shall occur beyond the toe of the existing landings.

b. Existing riprap proposed to be placed at the base of the stairway landings shall be removed.

c. The foundation for the proposed drainage headwalls shall not encroach any further seaward than the face of the headwall.

The permittee shall undertake the development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the plan shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Construction Schedule/Staging Areas/Access Corridors. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, detailed plans identifying the location of access corridors to the construction sites and staging areas, and a final construction schedule. Said plans shall include the follow criteria specified via written notes on the plan:

- a. Use of sandy beach and public parking areas outside the actual construction site, including on-street parking, for the interim storage of materials and equipment is prohibited.
- b. No work shall occur during the summer months (start of Memorial Day weekend to Labor day) of any year.
- c. Equipment used on the beach shall be removed from the beach at the end of each workday.
- d. Access corridors shall be located in a manner that has the least impact on public access and existing public parking areas. Use of public parking areas for staging/storage areas is prohibited.

Prior to the commencement of construction, the applicant shall submit evidence that the plans have been incorporated into construction bid documents

The permittee shall undertake development in accordance with the plans and construction schedule. Any proposed changes to the approved plans or the stated criteria shall be reported to the Executive Director. No changes to the plans or schedule shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Construction Materials. Disturbance to sand and intertidal areas shall be minimized. Beach sand excavated shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for backfill or construction material. The permittee shall remove from the beach any and all debris that results from the construction period.

4. Maintenance Activities/Future Alterations. Any debris, rock or materials which become dislodged after completion through weathering and impairs public access shall be removed from the beach. If after inspection, it is apparent repair or maintenance is necessary, the applicant should contact the Commission office to determine whether permits are necessary.

5. Disposal of Removed Riprap. Prior to the issuance of the coastal development permit, the applicant shall identify the location for the disposal of the removed riprap. If the site is located within the coastal zone, a separate coastal development permit or

permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

6. Waiver of Liability. Prior to the issuance of the coastal development permit, the applicant as landowner shall submit a signed agreement to the Executive Director, which shall provide: (a) that the applicant understands the site may be subject to extraordinary hazards from erosion and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally 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 relative to the Commission's approval of the project for any damage due to natural hazards.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The applicant proposes to renovate and/or reconstruct six beach access stairway landings within an existing State Park facility. The landings are proposed to be constructed of concrete; wooden timber "sacrificial" stair sections are proposed. Also proposed are three replacement storm drains and one new storm drain. These structures will consist of a headwall located on a concrete foundation at the toe of the bluff. The foundation will be located below the beach level. The base of the foundation will be located at a minimum of 4 feet below the mean high tide line.

The subject site is the San Elijo State Beach Campground, located on the west side of Highway 101 in the Cardiff community of the City of Encinitas. The City has a certified Local Coastal Program. In this area of the coast, Highway 101 is the designated first public roadway. There are numerous structures on the site, notably the campground and other day use facilities. The applicant is proposing renovation and rehabilitation of the entire campground facility. However, only those portions of the development proposal seaward of the toe of the coastal bluff are in the Commission's permit jurisdiction (original jurisdiction). The remainder of the project will be reviewed by the City, subject to the policies and provisions of the certified LCP. As such, the standard of review for those portions of the development subject to the Commission's jurisdiction is Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance.

2. Public Access/Seaward Encroachment. The proposed development is located at San Elijo Beach State Park, a campground facility. 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. Additionally, two other Coastal Act sections are applicable to this project and state, in part:

Section 30235

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.

Section 30253

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs....

There are six existing beach access timber stairways located at San Elijo State Beach. These stairways lead from the bluff-top campground to the beach located at the base of the bluffs. The bluff is very high and near vertical face in the north end of the park. It becomes lower and less steep in the south end of the park. Portions of the stairways have been severely damaged by marine erosion, and some foundation elements have been partially undermined by erosion.

Stairway #1 is the southernmost located stairway and is proposed for demolition and replacement as a concrete stairway. The remaining 5 timber stairways are proposed to be repaired. The applicant's latest repair work survey of the timber stairs indicates that in most cases, the only landing replacement required will be the bottom concrete landings. Each of these stairways is proposed to have new beach level landings. These landings will be constructed of concrete, but will have wooden timber "sacrificial" stair sections. Stairway #1 is proposed to be extended through the construction of a new concrete landing. The new foundation will be turned 90 degrees to the south. This will measure 7-foot wide by 12-foot long. The extended touchdown of stairway #6 is proposed landward of the existing stairway towards the bluff.

The only portion of the proposed stairway work that lies within the Commission's jurisdiction is the stairway landings as they extend seaward of the toe of the bluff. Each of the stairways has landing points on the beach. The existing concrete landings for the 5 timber stairs are 7-foot wide by 6-foot long; the proposed concrete landings are 7-foot wide by 12-foot long, including a 6-foot step section. Existing Stairway #1 has a wooden stair tread which extends seaward from the existing foundation.

Currently riprap is present along several areas of the beach. According to aerial photographs, this riprap was located in this area prior to 1972. Stairway landing #1 does

not currently have any riprap surrounding it; stairway landings #2 through #6 currently have some riprap surrounding them.

Except for Stairway #1, all the proposed stair landings will be lengthened by approximately 6-feet which will take up more public beach area. These extended stairway touchdowns are proposed generally parallel to the face of the bluff; however, some seaward encroachment would occur.

The applicant has prepared an alternatives analysis to address the need for the rock to protect existing and proposed improvements. They include the "No project", "Augment riprap revetment", "Remove existing riprap adjacent to stairways" and "Retain existing riprap" alternatives. In summary, the "retain existing riprap" alternative was preferred by the applicant as it provided some level of protection while avoiding the placement of additional shoreline structures. The applicant states that damage to the stairway landings is evident even with the protection afforded by the existing riprap. Even with the riprap, damage can be anticipated from wave action and marine erosion. As such, "sacrificial" elements have been incorporated into the lower portions of the stairways as mitigation against the anticipated storm damage and to avoid the construction of more robust stairways that would result in increased encroachment onto the beach.

The applicant indicates Stairway landing #1 does not currently have any riprap protection and #6 stairway landing improvements will not require any movement of existing rock at any time. The applicant proposes to give the contractors additional flexibility in construction of the bottom landings at stairways #2 through #5 by requesting that the existing rock be relocated seaward of its present location during construction. According to the applicant, this provides more working area for the construction of the landings on the beach. The applicant estimates that about a 150 sq.ft. area (10'x 15') seaward of each stairway be used to temporarily store the rock, with all rock returned to its original location, surrounding the newly constructed landings, after stairway construction is completed. The applicant is requesting this to provide flexibility to the contractors and potentially reduced bids for the project.

The Commission notes that 4 of the proposed stairway landings are proposed to encroach further onto the beach than the existing landings. In addition, even though the applicant would return the rock to protect the newly constructed landings, the returned rock would still represent seaward encroachment over the current situation. Moreover, the submitted geotechnical report did not address the need for any rock at the landings.

Thus, the Commission finds that the riprap proposed to protect the existing landings must be removed. While the applicant states above that removal of this rock would place any proposed shoreline access structures, existing or proposed, in greater danger from marine erosion, this rock represents a seaward encroachment that would no longer be necessary through the herein required project redesign. The plans indicate the landings would be a minimum of 4-feet below the mean low tide or keyed into the Del Mar Formation bedrock which should provide a stable foundation for the landings without necessitating

the need for rock shoreline protection. Thus the Commission finds that revised plans must be submitted in this regard.

The Commission is concerned about the proposed further encroachment onto the beach to accommodate the stairway landings and rock. In this case the rock and the proposed landings will encroach further onto existing sandy beach area over what presently exists. While the Commission recognizes the stairway improvements are being proposed to enhance public access, such improvements should be done so that no additional seaward encroachment is necessary for the improvements. Although further encroachment of the stairway landings is minimal, the beach along this area of the coast is narrow and at high tides and winter beach profiles, the public may be forced to walk virtually at the toe of the bluff or the area would be impassable. As such, any encroachment of structures, no matter how minimal, onto the sandy beach, reduces the beach area available for public use. This is particularly true given the existing beach profiles and relatively narrow beach.

Special Condition #1 requires the submittal of final revised plans for the stairway improvements which requires the alignment of the replacement stairway landings to be identical to the alignment of the existing stairway landings. No additional encroachment onto the public beach shall occur further beyond the toe of the existing landings. This condition also requires that existing riprap proposed to be placed at the base of the stairway landings shall be removed. Special Condition #5 requires that the location of the removed riprap be given. If it is within the coastal zone, a separate permit or permit amendment must be obtained.

To further address public access concerns, Special Condition #2 requires detailed plans identifying the location of access corridors to the construction sites and staging areas, and a final construction schedule. Special Condition #3 requires that disturbance to sand and intertidal areas shall be minimized. Beach sand excavated shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for backfill or construction material. The permittee shall remove from the beach all debris that results from the construction period. Special Condition #4 requires that any debris, rock or materials which become dislodged after completion through weathering and impairs public access shall be removed from the beach.

Special Condition #6 requires that the applicant acknowledges in writing that it is understood the site may be subject to extraordinary hazards from erosion and the applicant assumes the liability from such hazards.

The project also proposes replacement of storm drains that are deteriorating. To avoid visual impacts and exposure to the elements, the above ground storm drains will be replaced with underground drains. One storm drain is proposed for construction in conjunction with the replacement of Stairway #1. Three new replacement storm drains are proposed for installation through a directional drilling process to minimize surface disturbance and potential visual impacts.

The structures consist of a headwall located on a concrete foundation. The foundation will be located below the beach level. The base of the foundation will be located at a minimum of 4 feet below the mean high tide line.

The discharge point of the storm drain (headwall) is proposed at beach level on the face of the bluff. While the Commission can support the proposed concrete drainage headwalls at the toe of the bluff, the proposed foundation to support the headwalls raises a concern. As proposed, the foundation to support the headwalls will encroach seaward of the proposed headwall by approximately eight (8) inches. While the plans submitted by the applicant indicate that the foundation will be below-grade, covered by sand and/or cobble, this may not always be the case. If sand and cobbles are not present, this foundation will take up useable beach area that otherwise would be available for use by the public. As such, Special Condition #1 also requires that the foundation be redesigned to eliminate any encroachment seaward of the proposed headwall.

Thus, as conditioned above to minimize seaward encroachment onto the beach of the proposed stairway landings, to remove the existing riprap at the base of the stairway landings, the Commission finds the project consistent with the above Coastal Act sections.

3. Water Quality. Section 30231 of the Coastal Act states:

Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Section 30240 states:

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(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.

Regarding water quality concerns, disturbance of soils associated with the construction of the storm drain headwalls and the bottom stair landings will be relatively small and localized and as a result no additional measures are proposed to address water quality concerns associated with project construction. Regarding the portion of the project that is currently being reviewed by the City of Encinitas, a geotextile containment system and plantings are proposed to minimize erosion and subsequent impacts to water quality at the stairway sites. The proposed storm drains, because they will be directionally drilled underground, will avoid surface disturbance and associated erosion impacts. With regard to surface runoff from paved areas within the park, sand traps are proposed to filter runoff waters entering into and passing through the storm drain system.

The existing storm drain system is failing and is a contributor to erosion and the transport of sediments to the ocean. The applicant states the project will vastly improve the runoff collection and discharge system. Project plans have been submitted to the Regional Water Quality Control Board (RWQCB); both the surface runoff and groundwater discharge has been reviewed by RWQCB staff. No recommendations for any additional best management practices have been given by RWQCB staff.

Regarding runoff occurring outside the park, there is a nearly continuous trapezoidal asphalt concrete curb along the edge of the traffic lanes of Old Highway 101 adjacent to the park. This structure prevents runoff from the traffic lanes of the highway from entering park property except at the extreme north end of the State Beach, at the site of a former park entrance and at the site of the current park entrance. Runoff from these areas will enter the storm drain system which is proposed to be filtered. In addition, there is nearly a continuous berm along the inland side of the grade-separated bike path that prevents runoff water entering the park except at controlled inlets.

Because of the asphalt concrete curb, the majority of the drainage from off-site sources does not come from the highway itself, but from the grade-separated bike path. The amount of runoff entering the park from the bike path is reduced at the existing berm. In addition, motor vehicles are prohibited from using the bike path. As a result, the type of potential pollutants that would be anticipated from normal street runoff would not be anticipated. The predominant materials found in the bike path are wind blown sand and leaf litter from adjacent landscaping. Thus, because construction impacts are small, sand traps are proposed to filter runoff waters entering into and passing through the storm drain system, RWQCB staff have reviewed the project for adverse impacts, and runoff entering the park from outside sources is controlled within the system, the Commission finds the overall water quality will be upgraded by the proposed project, consistent with the above policies of the Coastal Act.

4. 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 City of Encinitas on the west side of Highway 101. The upland portion of the proposed development is being reviewed by the City. However, the portion of the subject site seaward of the toe of the bluff 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.

5. 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.

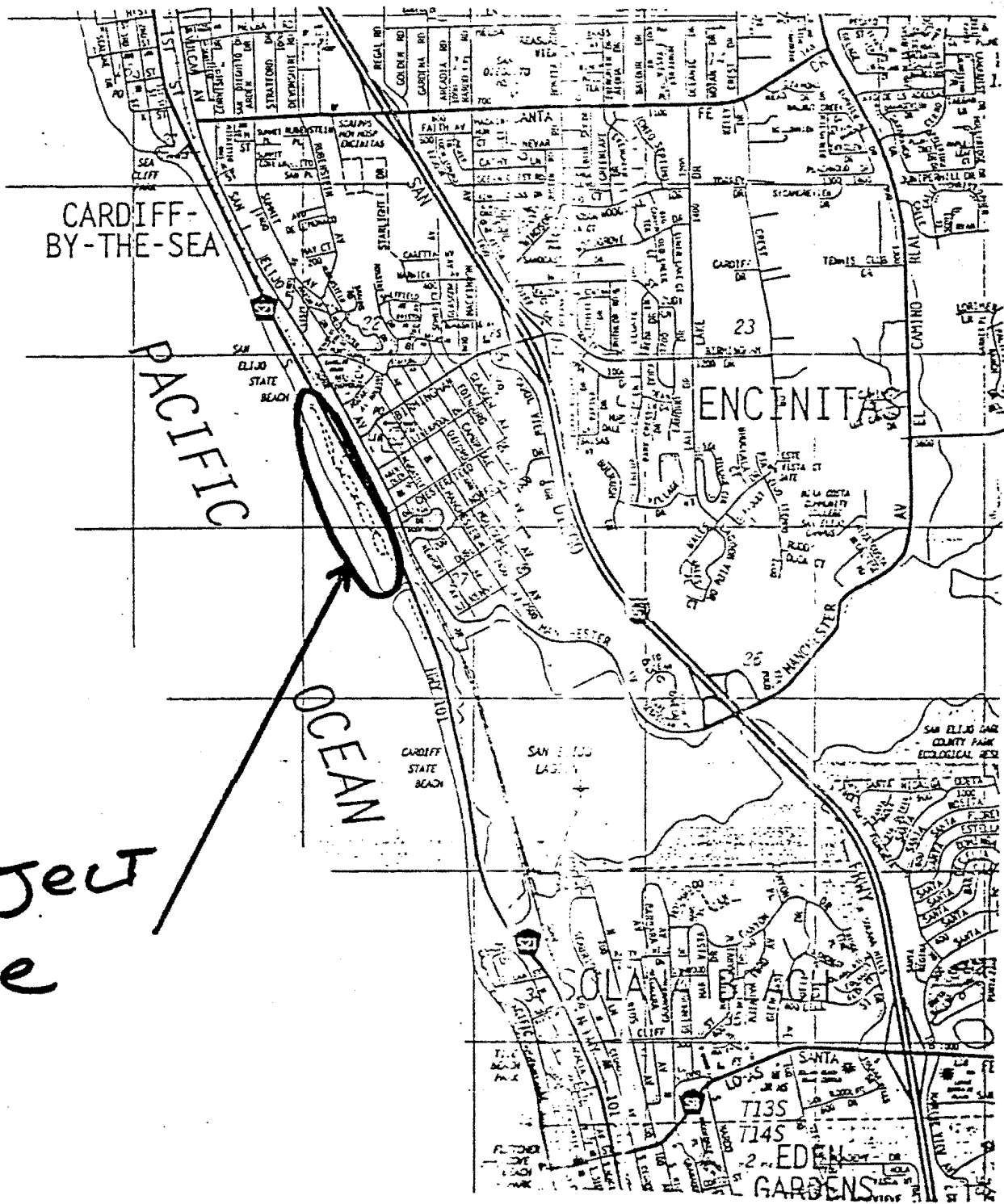
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

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.

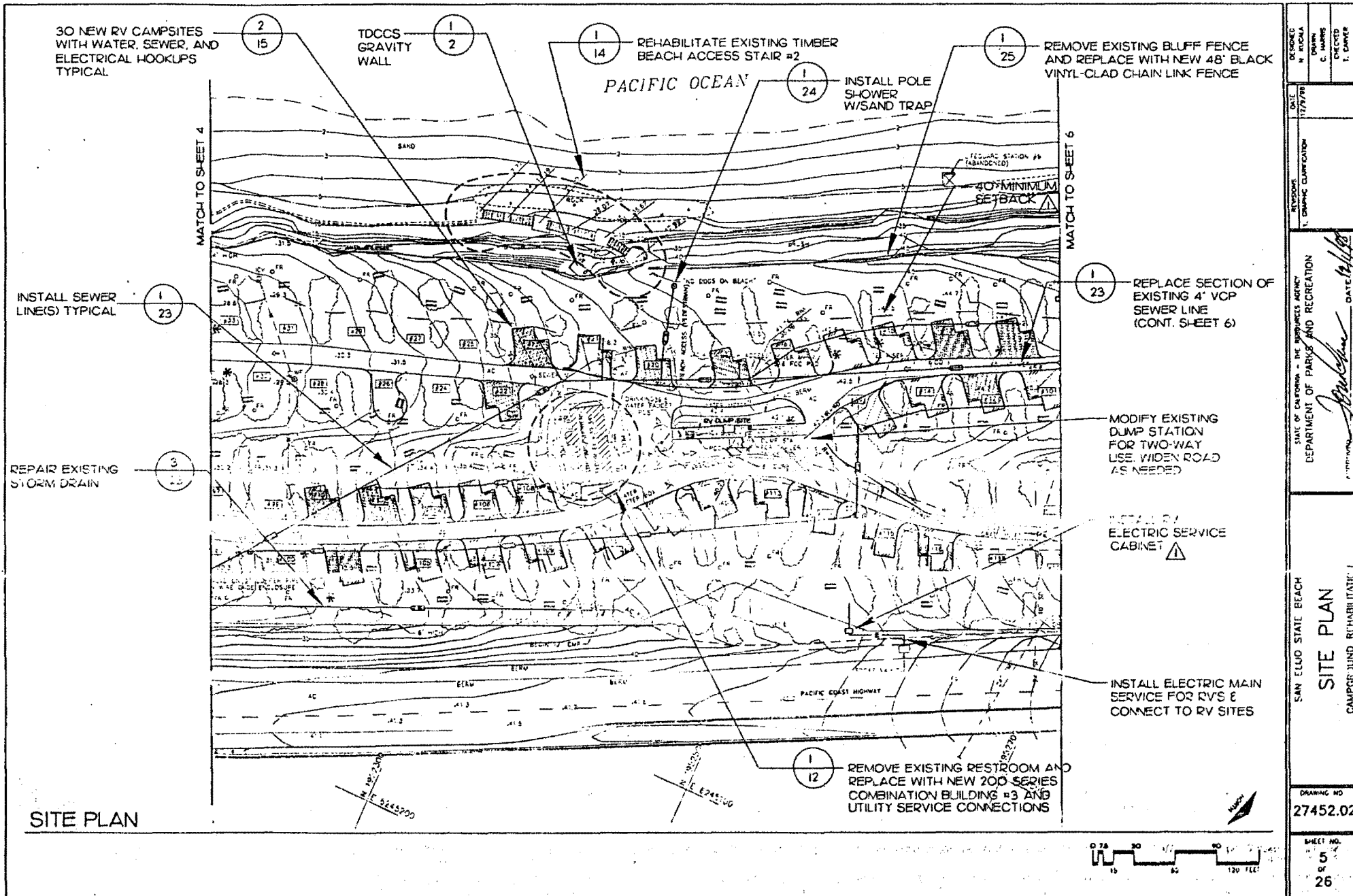
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



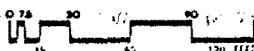
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 SUBJECT
 SITE

EXHIBIT NO. 1
APPLICATION NO. 6-99-18
Location Map
California Coastal Commission

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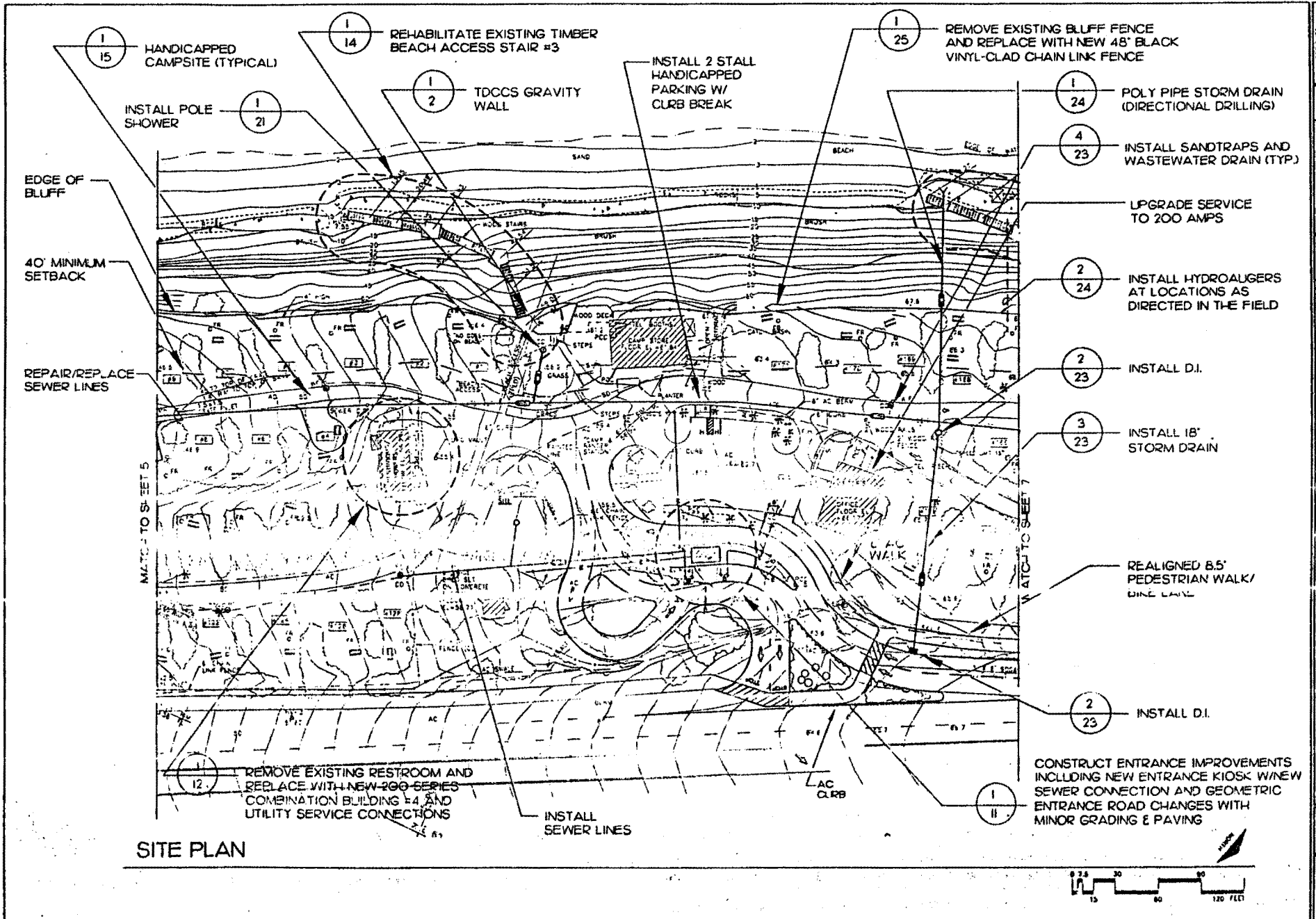


SITE PLAN



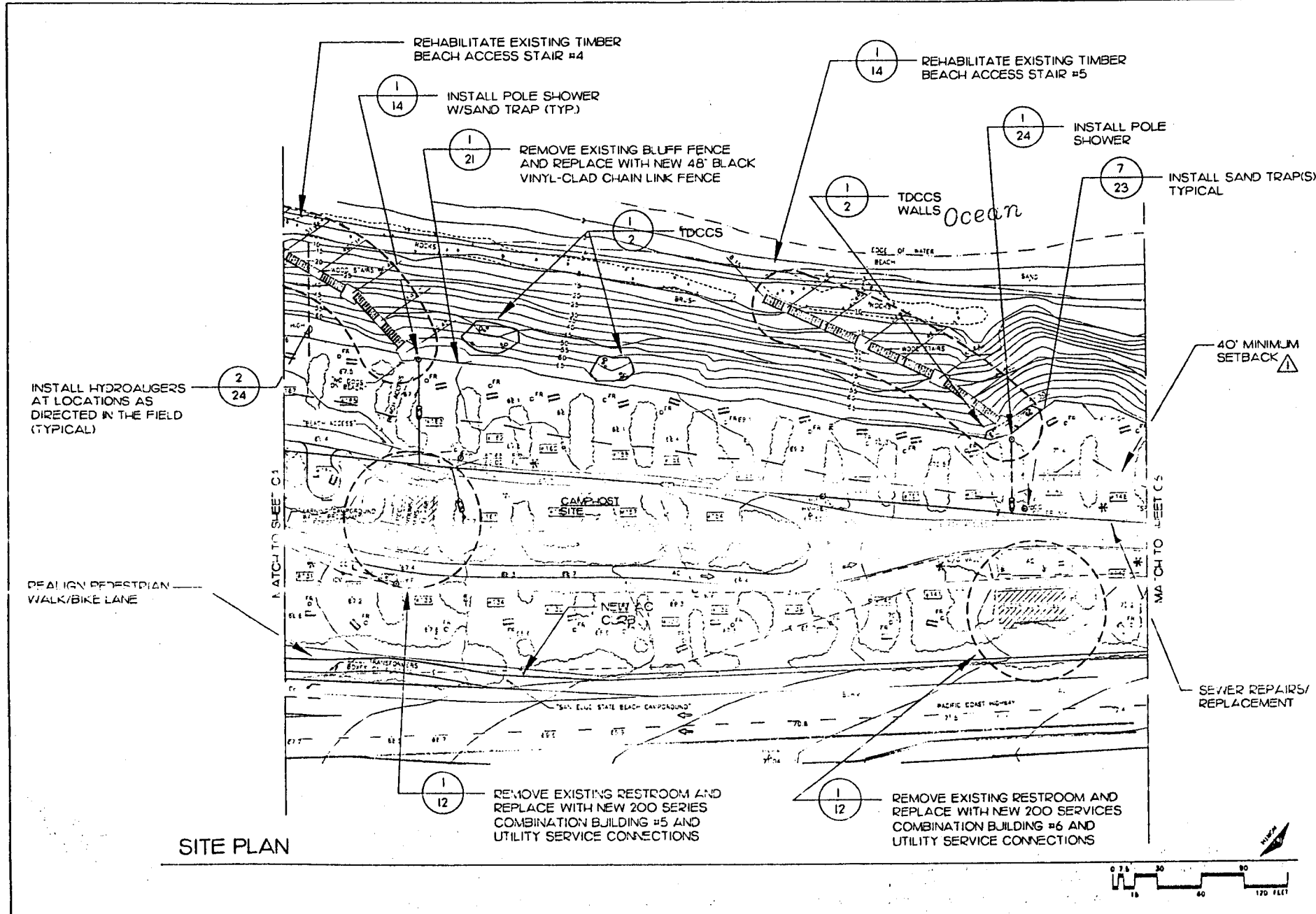
DESIGNED N. KUCALA	DRAWN C. HARRIS	CHECKED T. DAVEN
DATE 12/7/98	PROJECT CAMPGROUND REHABILITATION	
STATE OF CALIFORNIA - THE STATE PARKS AGENCY DEPARTMENT OF PARKS AND RECREATION		
PROJECT NO. 27452.02 DATE 12/1/98 		
SAN ELMO STATE BEACH SITE PLAN CAMPGROUND REHABILITATION		
DRAWING NO. 27452.02		
SHEET NO. 5 OF 26		

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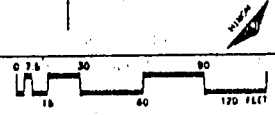


DESIGNED BY M. KOPALA	CHECKED BY T. CARVER
DATE 7/7/98	
REVISIONS 1. DRAWING CLARIFICATION	
STATE OF CALIFORNIA - THE RESOURCES AGENCY DEPARTMENT OF PARKS AND RECREATION	DATE 12/11/98
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DRAWING NO. 27452.02	
SHEET NO. 6 26	

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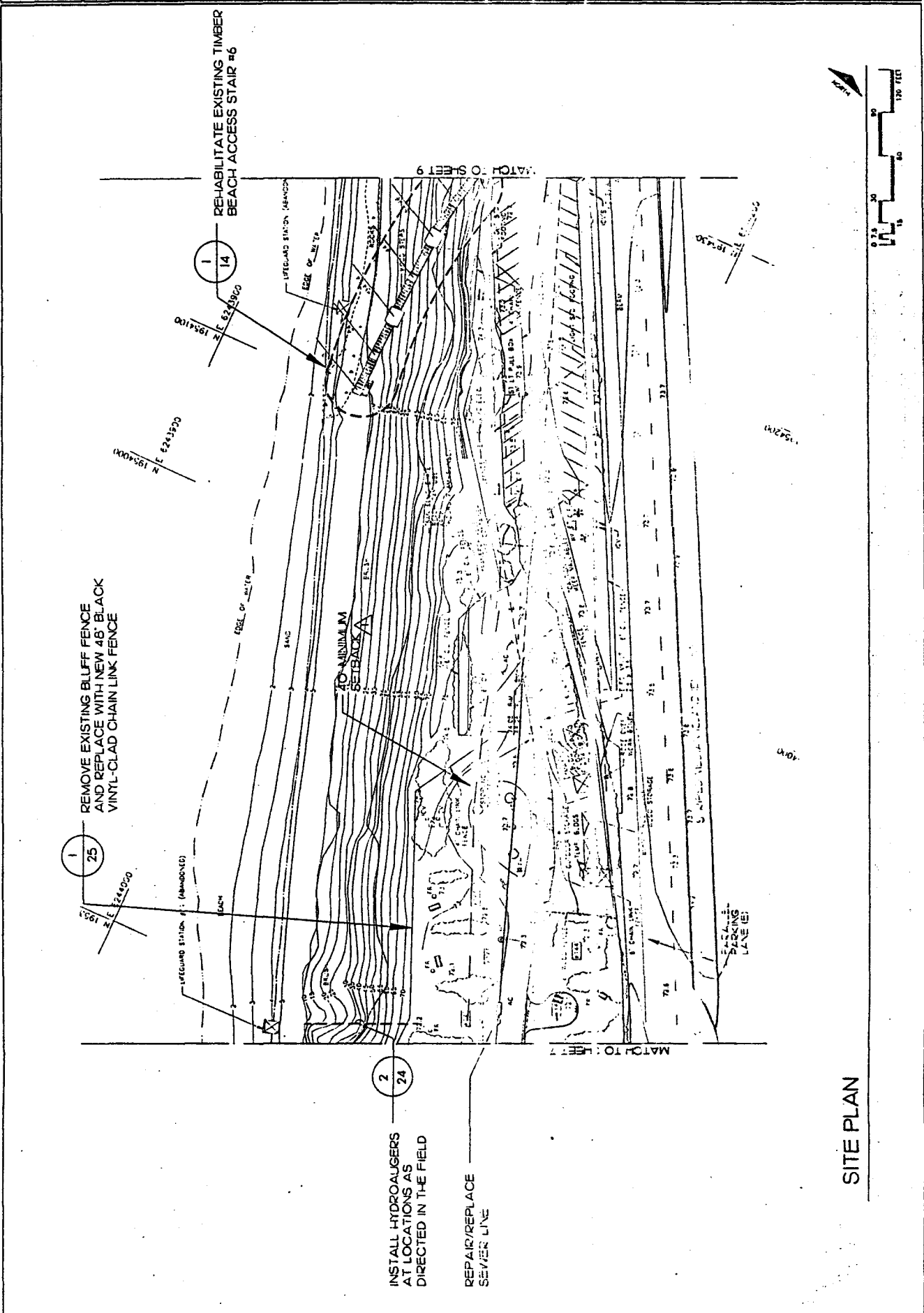


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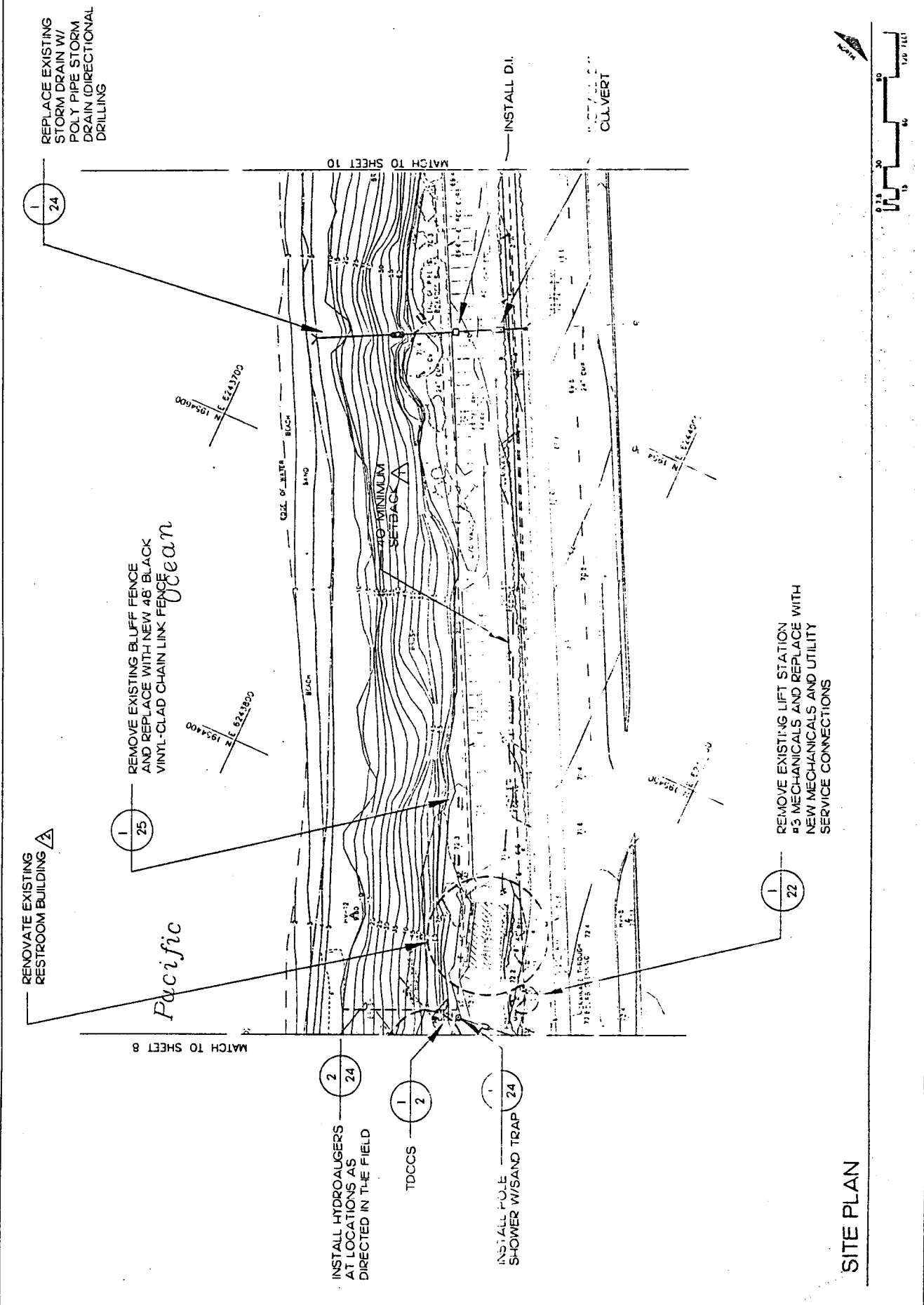


DESIGNED N. BIRDA	CHECKED T. CARVER
DRAWN C. HARRIS	DATE 12/11/98
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SAN JILLO STATE BEACH SITE PLAN CAMPGROUND REHABILITATION	
DRAWING NO 27452.02	
SHEET NO. 7 OF 26	

DATE: 12/8/98	REVISIONS: 1. DRAWING CLARIFICATION	STATE OF CALIFORNIA - THE RESOURCES AGENCY DEPARTMENT OF PARKS AND RECREATION	CAMPBUND REHABILITATION I SITE PLAN	DRAWING NO: 27452.02	SHEET NO. 8 26
CHECKED: T. CARVER	DESIGNED: M. RUCKA		SAN LUDO STATE BEACH		
DATE:					
PLANNED:					
C. HARRIS					



SITE PLAN



REPLACE EXISTING STORM DRAIN W/ POLY PIPE STORM DRAIN (DIRECTIONAL DRILLING)

REMOVE EXISTING BLUFF FENCE AND REPLACE WITH NEW 48" BLACK VINYL-CLAD CHAIN LINK FENCE

RENOVATE EXISTING RESTROOM BUILDING

INSTALL HYDROAUGERS AT LOCATIONS AS DIRECTED IN THE FIELD

TDCCS

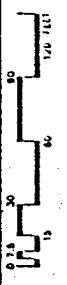
INSTALL POLE SHOWER W/SAND TRAP

INSTALL DI.

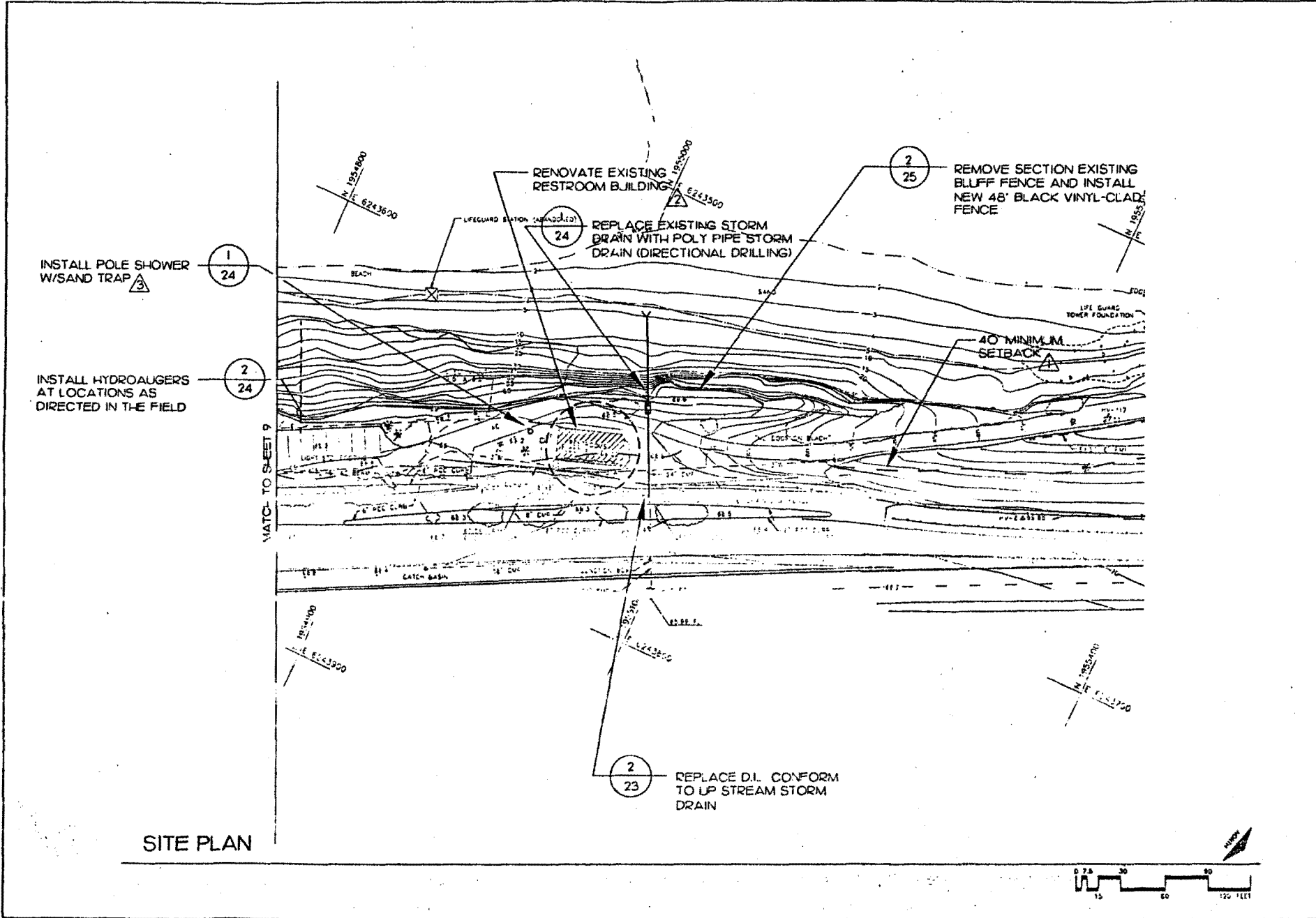
CULVERT

REMOVE EXISTING LIFT STATION #3 MECHANICALS AND REPLACE WITH NEW MECHANICALS AND UTILITY SERVICE CONNECTIONS

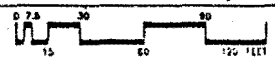
SITE PLAN



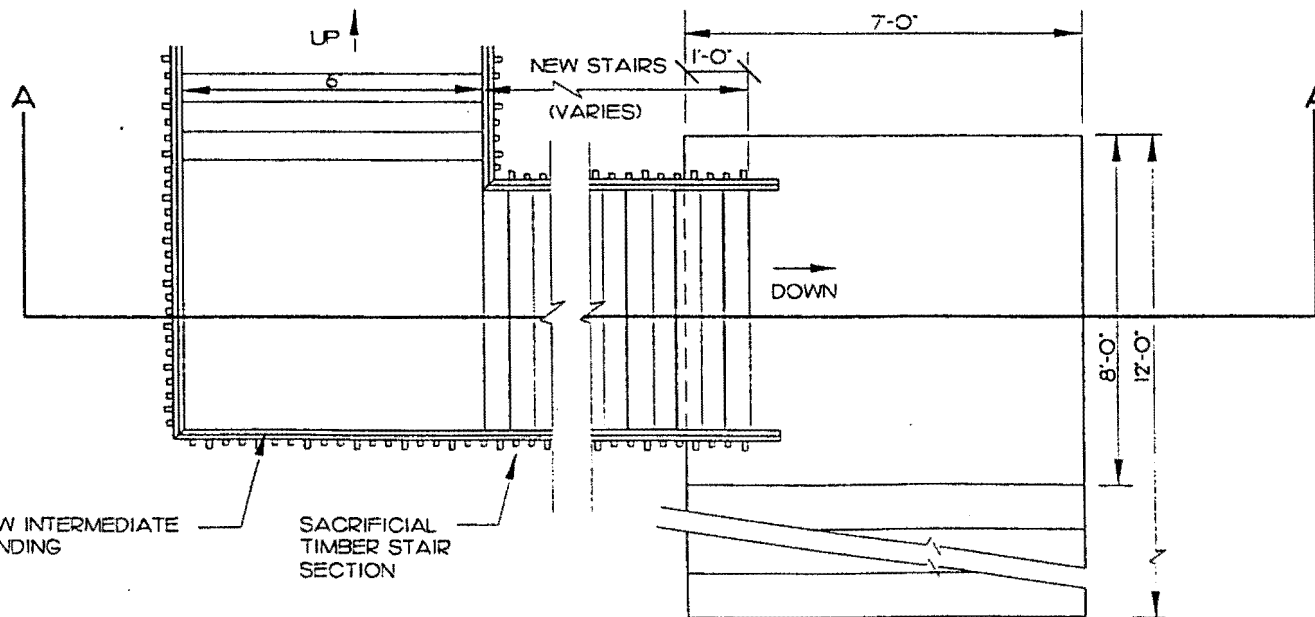
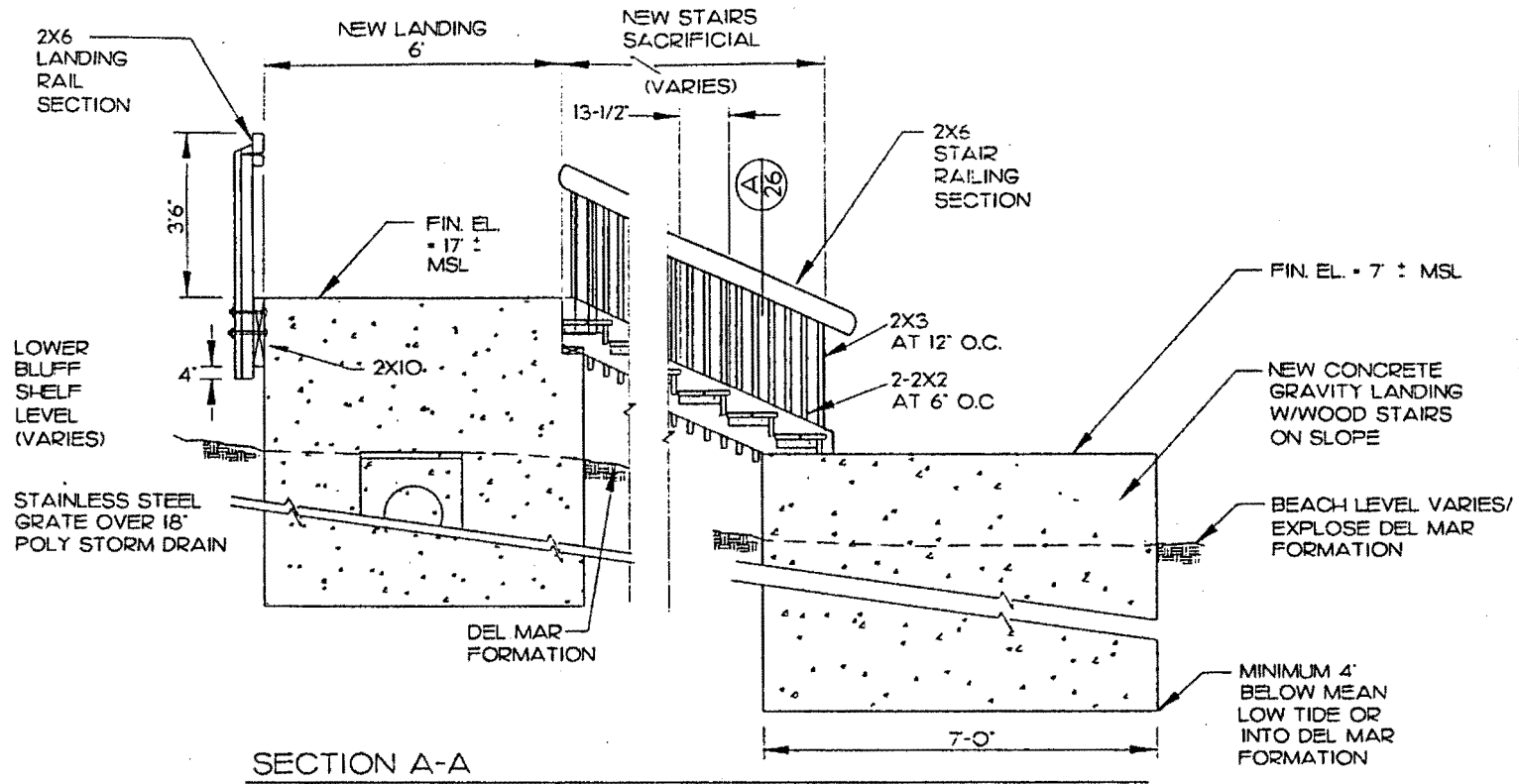
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SITE PLAN



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DESIGNED: N. RUCOLA	DATE: 12/7/98	CHECKED: T. CANVY

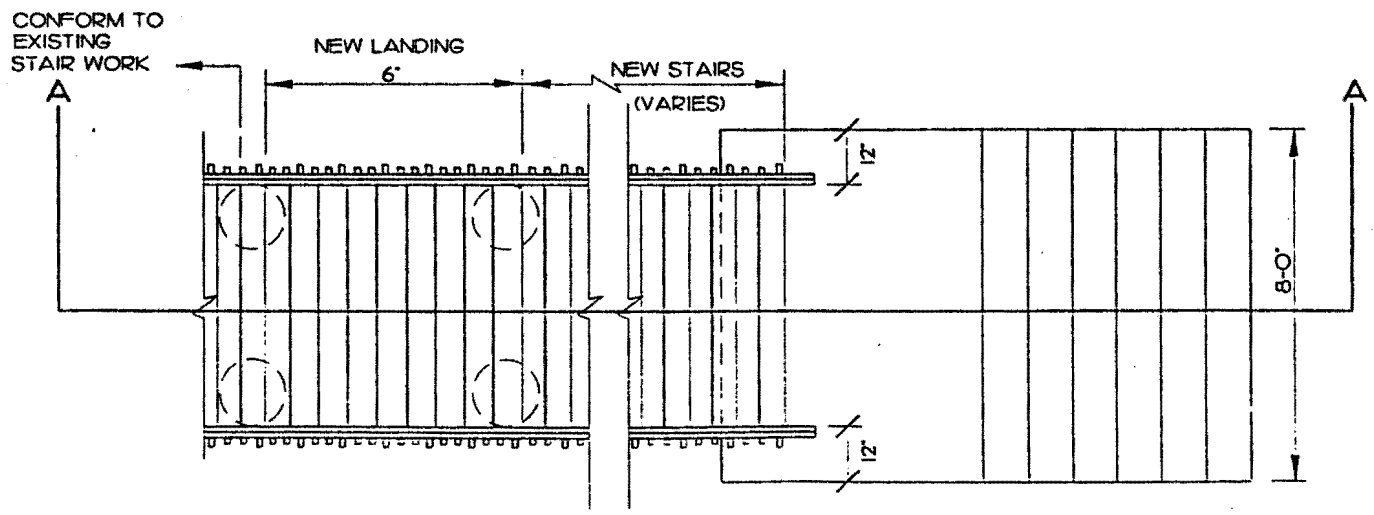
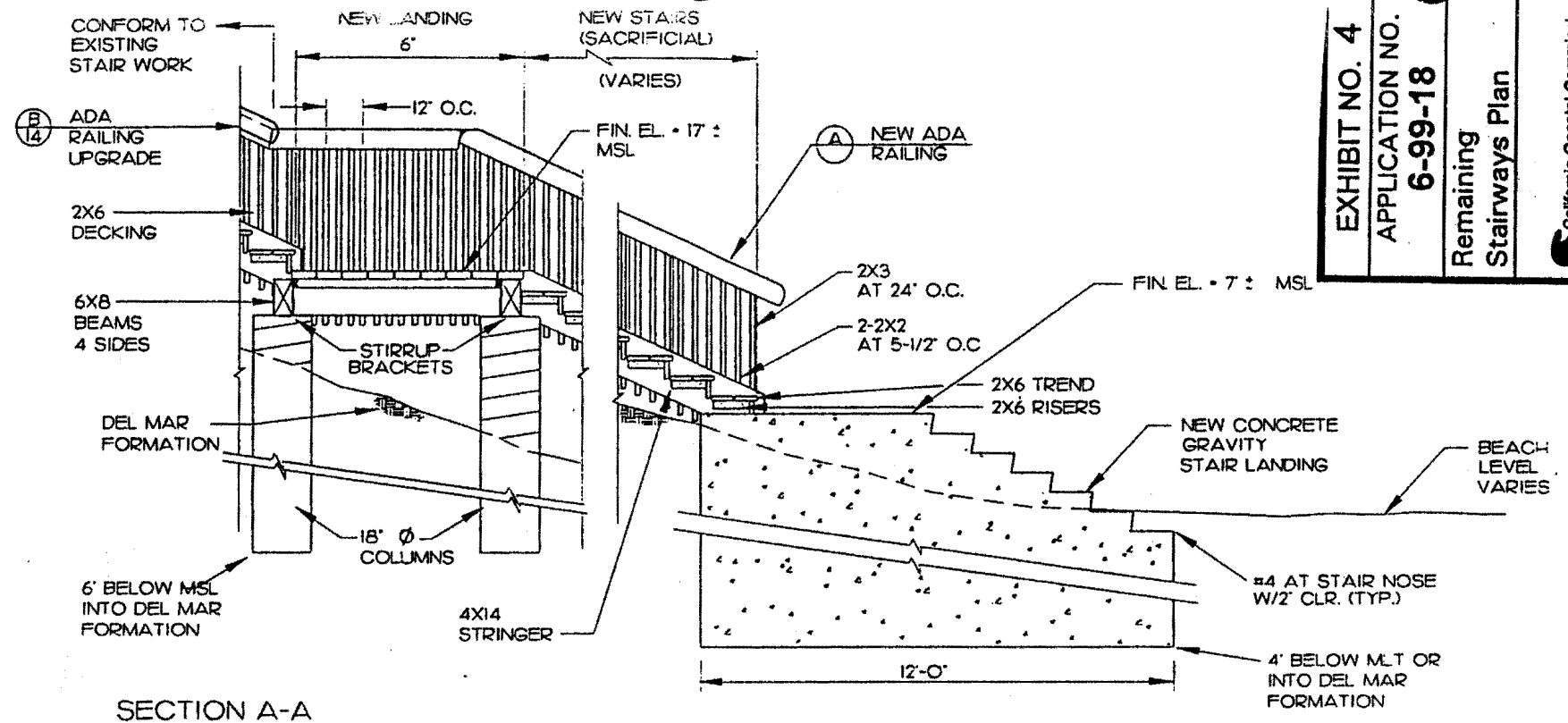


LOWER LANDING REPLACEMENT PLAN
CONCRETE STAIRS

SCALE: 1/2" = 1'

EXHIBIT NO. 3
APPLICATION NO. 6-99-18
Stairway #1 Plan
California Coastal Commission

EXHIBIT NO. 4
APPLICATION NO. 6-99-18
Remaining Stairways Plan
 California Coastal Commission



1 LOWER LANDING REPLACEMENT PLAN
 TIMBER STAIRS

SCALE: 1/2" = 1'