

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

**Fr 9c**

Filed: 8/19/99
49th Day: 10/11/99
180th Day: 2/19/00
Staff: LRO-SD
Staff Report: 8/25/99
Hearing Date: 9/14-17/99

REGULAR CALENDARSTAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-98

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

Description: Repair of a damaged 1,000 linear foot portion of an existing public beach access trail/emergency vehicle roadway with 650 cy. of balanced on-site grading to re-contour and repair the trail at existing approximately 3,000 acre state campground facility.

Site: San Onofre State Beach at Basilone Road, Camp Pendleton area, San Diego County. APN 208-020-28; 207-101-12

Substantive File Documents: CDP #s 6-97-18 and 6-93-216; biological reconnaissance report by California Department of Parks and Recreation/David Pryor dated 3/99.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project, subject to special conditions for submittal of final grading and erosion control plans to ensure that grading will not result in any sedimentation impacts to downstream resources and a condition addressing waiver of liability.

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. Waiver of Liability. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants 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 geologic occurrences such as landslides 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.

2. Final Grading/Erosion Control Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final grading and erosion control plans that are in substantial conformance with the preliminary roadway regrading plan (date stamped 7/14/99) submitted with the coastal development permit application, except that such plan shall be revised to incorporate the following:

a. All permanent and temporary erosion control measures shall be developed and installed prior to or concurrent with any on-site grading activities. Temporary erosion control measures shall include the use of berms, interceptor ditches, sandbagging, hay bales, filtered inlets, debris basins, silt traps, or other similar means.

The permittee shall undertake development in accordance with the approved grading and erosion control plans. Any proposed changes to the approved grading and erosion control plans shall be reported to the Executive Director. No changes to the grading and erosion control plans shall occur without a Coastal Commission approved amendment to

this coastal development permit unless the Executive Director determines that no amendment is required.

3. As-Built Plans/Revegetation. Within 60 days of completion of grading, the applicant shall submit as-built plans for the proposed trail repairs for review and written approval by the Executive Director. Said plans shall indicate whether any impacts to native vegetation occurred as a result of construction of the project. If native vegetation was removed, damaged, or destroyed by the project, the plan shall describe such impacts in detail, including the location of the impact, the nature of the impact, and the type and quantity of vegetation affected. All adverse impacts to native vegetation shall be mitigated by the planting of one new plant for each plant removed, damaged, or destroyed by the project. To the extent feasible, each new plant shall be planted in the same location where it previously existed or in an adjacent area where similar plant species currently thrive. Said revegetation, if required, shall occur within 30 days of approval of the Executive Director of the as-built plan.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The Department of Parks and Recreation is proposing to re-grade and re-contour a 1,000 linear foot portion of an existing public beach access trail/emergency vehicle roadway that was damaged as a result of a landslide. The landslide occurred approximately one year ago and the trail has been closed since the fall of 1998. The repair work will consist of approximately 650 cy. of balanced on-site grading.

The state campground is located immediately west of Interstate 5, three miles south of its intersection with Basilone Road at the very northern part of San Diego County just south of Orange County. The subject trail proposed for repair is "Trail No. 1", the northernmost trail which is closest to the campground entrance (refer to Exhibit No. 3). It is used for both pedestrian access to the ocean as well as for emergency vehicle access to the shoreline by Department personnel. The campground is linear in shape, three miles long and parallels the west side of Interstate 5. This campground area consists of an access roadway and 643 parking spaces which are to the west of, and perpendicular to, the access road. The campground used to have 221 campsites, however, due to a landslide that occurred within the last year, a portion of the campground was closed off to the public and it presently contains 185 campsites. There are also several unimproved foottrail areas that lead down steep coastal bluffs to the beach area west of the campground. Pedestrian routes to the beach from the campground are well defined and there is generally no problem with use of unauthorized trails causing erosion.

The campground is located slightly inland from the shoreline, adjacent to Interstate 5. San Onofre State Beach comprises both blufftop and shoreline property. Facilities include restrooms, fire rings, picnic tables, maintenance building and office building. The campground is fairly isolated from other beach areas since it is located at the

northern end of the Camp Pendleton U.S. Marine base. The closest beaches would be located immediately to the north in San Clemente as the campground is located just south of the San Diego County line.

The project site is located within the unincorporated County of San Diego. No local coastal program planning has occurred in this area. Thus, the standard of review is Chapter 3 policies of the Coastal Act.

2. Geologic Hazards/Environmentally Sensitive Habitat Area. Section 30253 of the Coastal Act states, in part:

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....

In addition, Section 30240 of the Coastal Act also states the following:

(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.

As noted earlier, the proposed work is to repair a portion of a beach access trail and emergency vehicle access trail that has been damaged as a result of a landslide. The work will include 650 cy. of balanced on-site grading which will involve the removal of material from the inland or uphill side of the trail and the placement of fill along the seaward or downhill side of the trail. The grading will occur in several lifts, with compaction between each lift.

The proposed work will repair an existing pedestrian access trail/emergency vehicle trail. Since the trail was damaged, it has been officially closed to the public; however, according to the applicant, some use of the foot trail has continued despite the closure. The purpose of the grading is to re-open the trail and to render it usable again. The Department considers the trail critical for public access and for access for patrol and emergency vehicles to sections of San Onofre State Beach. The next nearest access to the beach is located about 4,000 feet to the south of Trail #1. The Department has indicated

that although access to the area served by Trail #1 can be obtained from other trails, the area served by Trail #1 can become isolated at high tide. Because the headland at the foot of the trail is impassable by emergency vehicles at certain high tides it is important to restore emergency vehicle access to this area. The Department has also indicated that because the land movement is on-going, no permanent or irreversible activities are proposed at this time. It is important to note that the proposed work is only a temporary solution to the on-going erosion in the park. However, the work is sufficient to stabilize the existing trail that has been damaged and to render it safe for use again by both members of the public and park personnel. It is anticipated that the project will take approximately two weeks to complete. The Department is currently having a geologist perform a study of the entire park which will address where and to what extent permanent trails and other improvements could be installed without risk of damage from the landslide. The proposed work will stabilize the subject trail as a temporary measure until more permanent solutions to on-going erosion in the park are proposed in the future.

State Park engineers have stated standard engineering practices will be utilized to repair the trail and that the road will be safe for use by the public and emergency vehicles after it is repaired. Although the State engineers have stated that the trail will be safe for use, the applicant is not proposing a permanent trail in this location because of concern that it could be affected by the landslide. Thus, the applicant acknowledges that there is some risk of damage to the trail from the landslide. Although the risk may be minimized, it cannot be eliminated. Therefore, in order to find the proposed development consistent with Section 30253, the Commission finds that the applicant must assume the risk of damage that may result from landslide and must indemnify the Commission in the event third parties seek damages from the Commission as a result of its approval of the proposed development. Accordingly, Special Condition #1 requires the applicant to submit a waiver of liability and indemnity agreement. By this means, the applicant is notified of the risk and the Commission is indemnified should third parties seek damages as a result of the Commission's approval of the proposed development. Although the Commission has sought to minimize risks, the risks cannot be eliminated entirely. Given the applicant has chosen to complete the development despite these risks, the applicant must assume the risks. As such, the proposed project can be found consistent with the shoreline erosion and geologic stability policies of the Coastal Act.

The Department has considered the proposal to be the least environmentally-damaging alternative to repair the access trail. Other alternatives such as hard solutions (i.e., upper bluff retaining wall or seawall) were not considered due to their adverse impacts on coastal resources. The subject trail is the northernmost trail in the state park. The San Onofre Nuclear Generation Station (SONGS) is northerly of the north boundary of San Onofre State Beach. Although Surf Beach lies to the north of the SONGS facility, there is no access available from the north across the SONGS property. As a result, the Department is limited to providing access either from the existing trail or from a new trail in the vicinity of the existing trail. However, the construction of a new trail would result in additional impacts to the coastal bluffs and would require the removal of existing coastal sage scrub vegetation. Because regrading of the existing trail would result in fewer impacts to the natural landforms and existing vegetation and because it is a much

smaller scale project, the Department believes it is the best and the least environmentally damaging alternative.

With regard to potential impacts to sensitive vegetation in the area as a result of the proposed project, the Department has submitted a biological reconnaissance performed by the Department's ecologist. The report confirms that no sensitive vegetation was identified within the limits of the proposed project. The only vegetation in the area of the proposed trail repair is ruderal vegetation that has grown in the area only since the landslide has occurred. Nonetheless, the applicant has proposed that precautionary measures be taken, such as having a resource ecologist on the site to monitor the on-site grading process. The monitor is familiar with coastal sage scrub vegetation and rehabilitation measures and techniques. In the remote event that any sensitive vegetation is displaced due to an accident, it is proposed to be restored after completion of grading.

A preliminary roadway regrading plan has been submitted with the subject permit application. Special Condition #2 requires that the submittal of a final grading and erosion control plan which documents that all permanent and temporary erosion control devices are developed and installed prior to or concurrent with any on-site grading activities. In addition, as earlier noted, the Department has indicated that in the remote chance sensitive vegetation is accidentally removed through the proposed project, that such vegetation will be replaced on site under the supervision of an ecologist. For this reason, Special Condition #3 requires that the applicant submit as-built plans for the repaired trail and should the plan document impacts to native vegetation, revegetation shall occur within 30 days. With the attached special conditions, potential impacts to environmentally sensitive resource areas will be reduced to the maximum extent feasible. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30240 and 30253 of the Act.

3. Public Access/Visual Resources. One of the most important goals of the Coastal Act is to protect, provide and enhance public access opportunities for all persons to and along the coast (Sections 30210-30214, 30221, 30252 of the Coastal Act). Section 30001.5(c) of the Coastal Act requires that public access and public recreational opportunities be maximized, consistent with sound resource conservation principles. The primary purpose underlying the repair of the pedestrian access trail and emergency vehicle roadway is to restore access for the public and emergency vehicles to this remote area of shoreline, consistent with both the Department's responsibilities of providing public facilities that enhance and make more accessible coastal recreational experiences, as well as with Coastal Act policies that call for the protection and enhancement of public access to the shoreline. As such, repair of the proposed trail, which facilitates public access to this remote shoreline, is consistent with the public access and recreation policies of the Coastal Act.

With regard to protection of visual resources, Section 30251 requires, in part, that new development be sited and designed to protect views to and along the ocean. The proposed project will not result in any adverse impacts to public views or visual resources. The proposed repair work to stabilize the existing trail and roadway will not

result in the removal of any sensitive vegetation. The trail was devoid of vegetation before it was destroyed and as such, it will be restored to its former condition. Other coastal bluffs in the area presently contain coastal sage scrub communities and these areas will not be affected by the subject project. As such, the proposed project will not impact public views or visual resources. Given the above findings, the Commission finds that the proposed development is consistent with Coastal Act goals and policies of providing public access to and along the shoreline and is consistent with Section 30251 pertaining to protection of visual resources.

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, as conditioned, such a finding can be made.

The subject development will occur in an existing State Park facility within the unincorporated County of San Diego. No local coastal program planning has occurred in this area. Thus, the standard of review of this project is the Chapter 3 policies of the Coastal Act. As indicated herein the project includes the repair of an existing pedestrian access trail and emergency vehicle roadway in an existing State Parks campground facility. The project, as conditioned, has been found consistent with applicable Coastal Act policies.

5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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 geologic hazard policies of the Coastal Act. Mitigation measures, including conditions addressing submittal of a final grading and erosion control plan, 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 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 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 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.

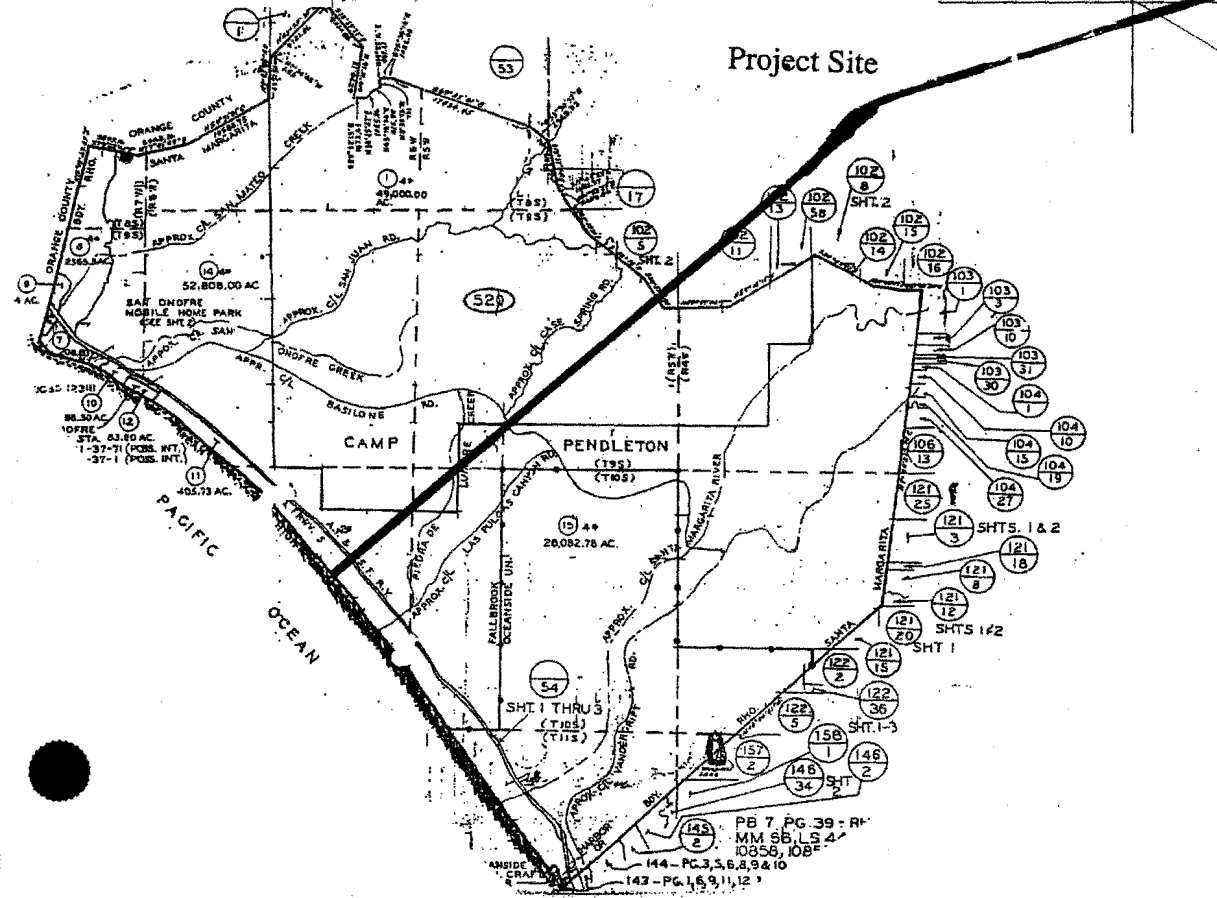
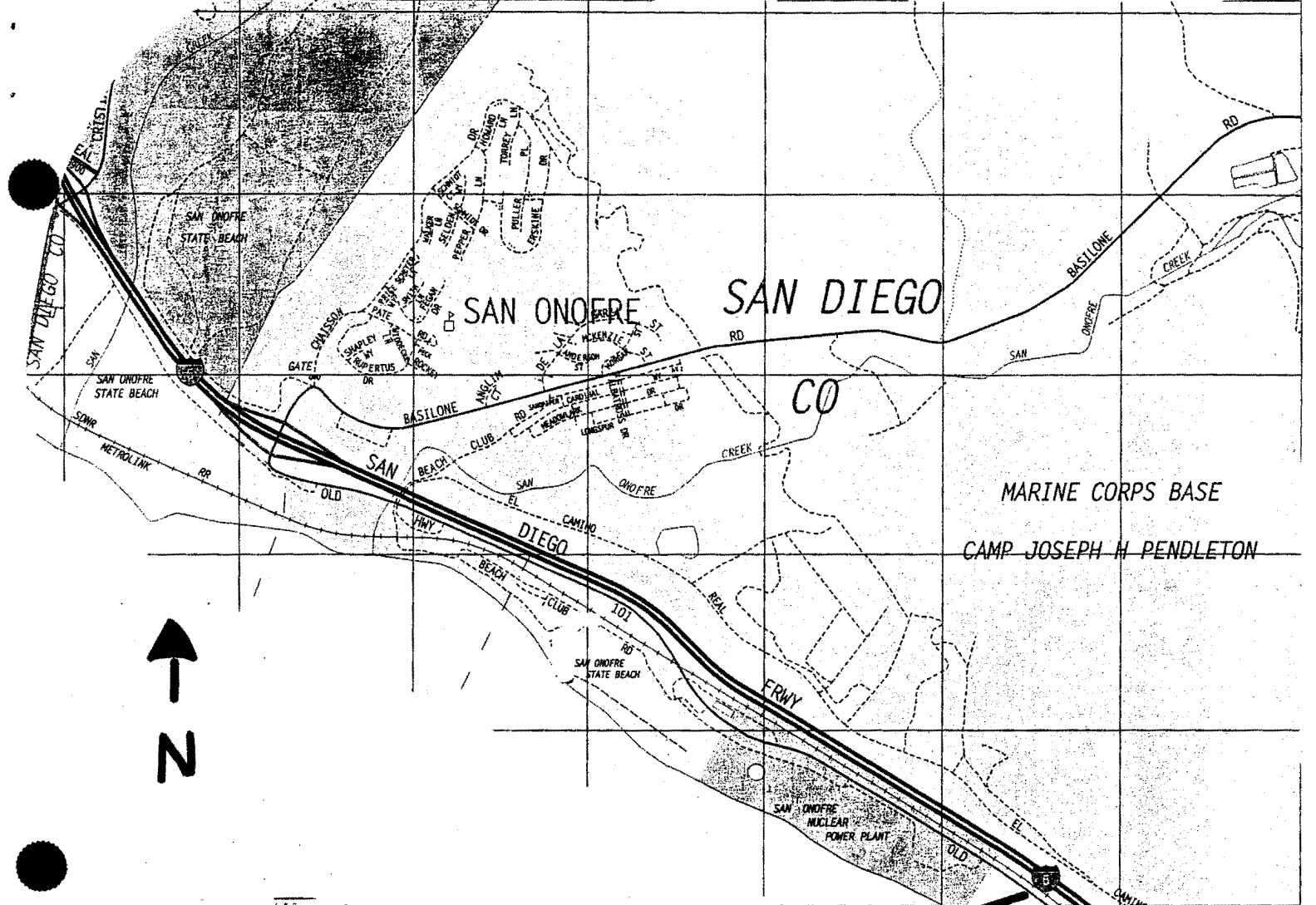


EXHIBIT NO. 1
APPLICATION NO.
6-99-98
Location Maps

California Coastal Commission

TYPICAL

ST. USMC TEL.
TERMINATE CONDUIT
UP POLE & CAP.



TEL. POLE-USMC
DAY USE
PARKING

BEGIN PROJECT

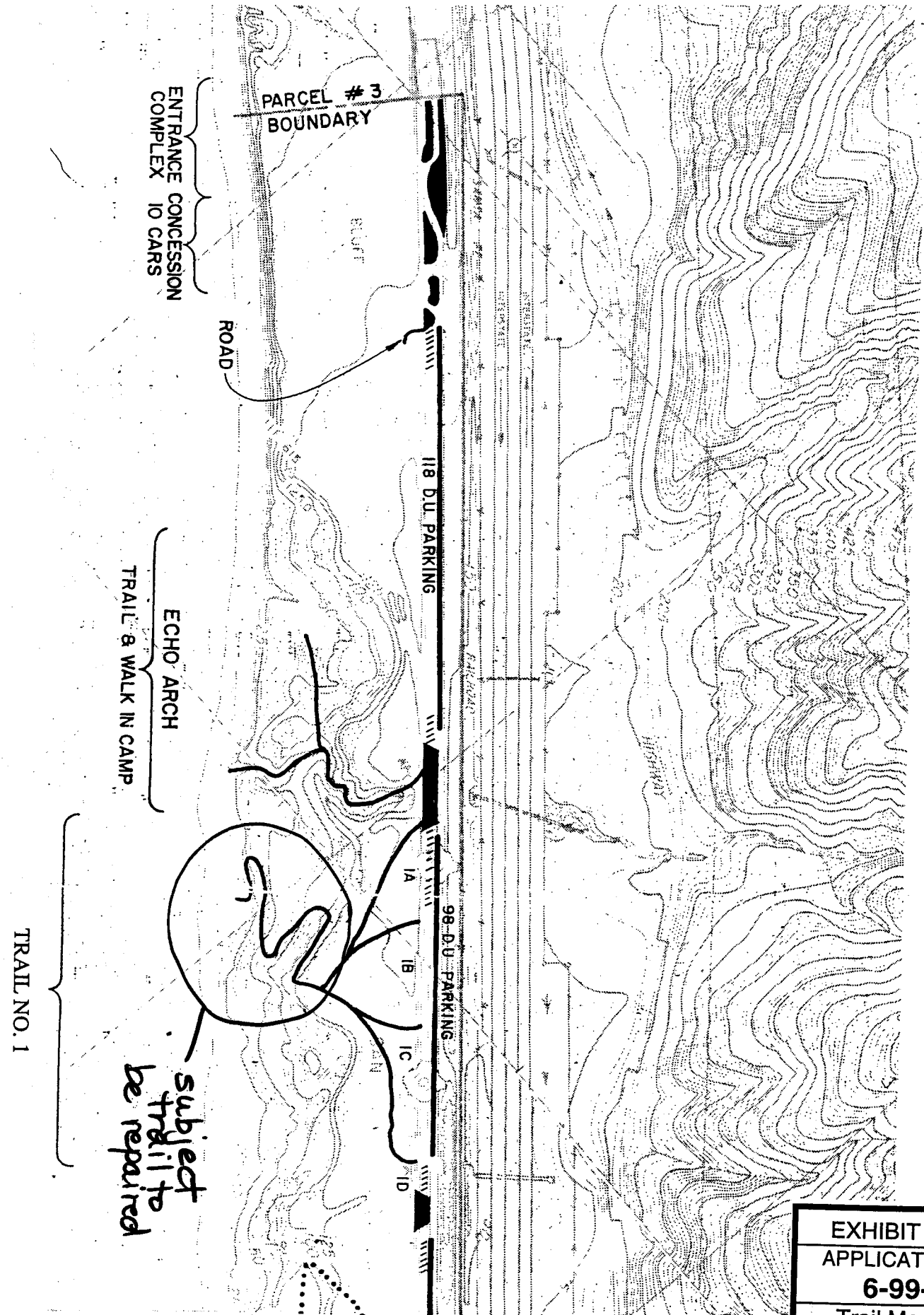
E 1636.000

SEE
M4

APPROX. END

EXHIBIT NO. 2
APPLICATION NO.
6-99-98
Topo Map of Pre-existing Trail/Roadway
California Coastal Commission

PVC 2"MT STP
PVC 2"MT STP
PVC 2"MT STP
PVC 2"MT STP



ENTRANCE CONCESSION
COMPLEX 10 CARS

PARCEL #3
BOUNDARY

ROAD

118 D.U. PARKING


98 D.U. PARKING

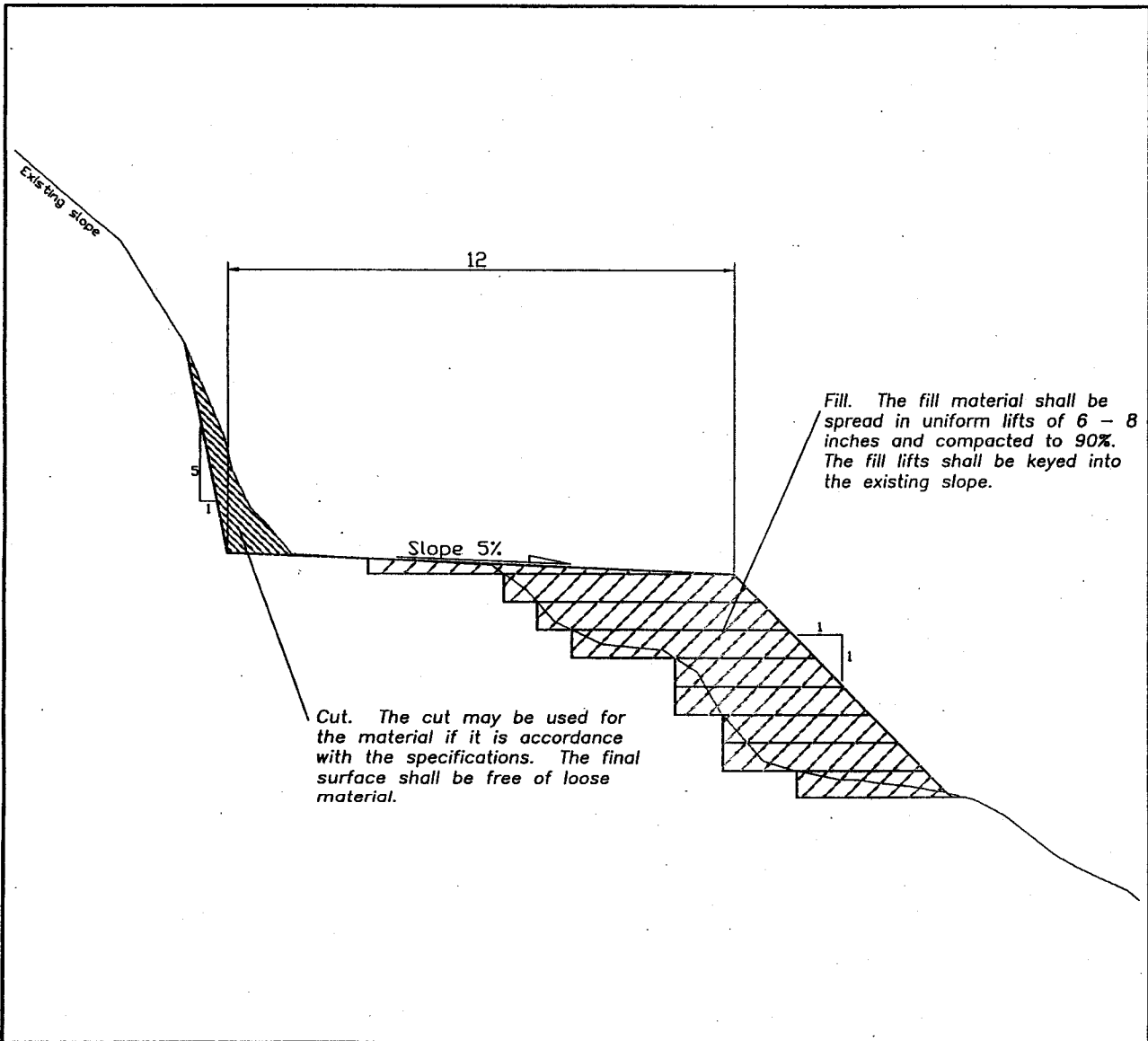
ECHO ARCH

TRAIL & WALK IN CAMP

TRAIL NO. 1

subject
trail to
be repaired

EXHIBIT NO. 3
APPLICATION NO.
6-99-98
Trail Map Area
 California Coastal Commission



GENERAL NOTES

1. Contractor is responsible for erosion, dust, and temporary drainage control during grading and through the entire construction contract.
2. Existing structures, trees, etc. conflicting with construction to be protected in place, relocated or removed per direction of the State Representative.
3. It is the Contractors responsibility to ensure the adequate completion has been attained on the entire site, including fill areas and fill slopes.
4. The new roadway (Trail #1) shall follow the centerline of the existing trail #1.
5. The contractor shall walk the site and identify areas of cut and fill with the State Representative and State Resource Ecologist prior to starting work.
6. In areas that the roadway can not follow the existing centerline, the new alignment shall be aligned that the site will be balanced.
7. The staging area for the project will be identified by the State Representative.

SHEET NO.
1
OF
1

DRAWING NO.
PROJECT NO.
925-663-12

SAN ONOFRE STATE BEACH
ROADWAY (TRAIL #1) REGRADING

RESOURCES AGENCY OF CALIFORNIA
 DEPARTMENT OF PARKS AND RECREATION
 SOUTHERN SERVICE CENTER

APPROVED _____ DATE _____

REVISIONS	DATE

DESIGNED G. LEWIS
DRAWN G. LEWIS
5 CHECKED 99 G. LEWIS