

CALIFORNIA COASTAL COMMISSION

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Staff Report:	July 19, 2001
Hearing Date:	August 7-10, 2001
Commission Action:	

Item Tu 7h**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-01-147

RECORD PACKET COPY

APPLICANT: City of San Clemente

AGENTS: Dennis Roger Reed, Beaches, Parks & Recreation Manager
 John Beck, Park Planner

PROJECT LOCATIONS: Six (6) locations throughout "Pier Bowl" area, including the Municipal Pier, the Linda Lane Restroom on the sandy beach and multiple sites along Avenida Del Mar, San Clemente, Orange County

PROJECT DESCRIPTION: Municipal improvement projects, including construction of a new stairway from Avenida Del Mar sidewalk to the Pier entrance, sidewalk reconstruction along Avenida Del Mar, installation of new handicap parking stalls on Avenida Del Mar, expansion of a trash enclosure at the base of the Pier, repair of the Linda Lane restroom and installation of a fire line on the Municipal Pier.

SUMMARY OF STAFF RECOMMENDATION:

The City of San Clemente is proposing to carry out six (6) municipal improvement projects within the "Pier Bowl" area of the City. All of the proposed projects are located between the first public road and the sea in the vicinity of the San Clemente Municipal Pier. The major issues addressed in the staff report involve potential hazard from wave uprush, public access and water quality.

Staff recommends the Commission **APPROVE** the proposed development with five (5) special conditions which require 1) an agreement to assume the risk associated with development at the Linda Lane restroom site; 2) an agreement not to construct a future shoreline protective device should one be needed to protect the Linda Lane restroom; 3) use of construction best management practices (BMPs); 4) the debris disposal site to be located outside the coastal zone; and 5) timing of construction to be outside of peak beach use season.

AREAS OF CONTROVERSY:

There is a draft policy developed by the City's Coastal Advisory Committee, which conflicts with Special Condition No. 2. The special condition recommended by staff prohibits future protection of the Linda Lane restroom, while the policy favors protection of the structure to replacement or relocation if threatened by erosion.

LOCAL APPROVALS RECEIVED:

Approval-in-Concept from the Department of Community Development of the City of San Clemente dated April 24, 2001 and Approval by City of San Clemente Parks and Recreation Commission.

SUBSTANTIVE FILE DOCUMENTS:

City of San Clemente Certified Land Use Plan, City of San Clemente Pier Bowl Specific Plan, DRAFT Policy for Protecting, Replacing or Relocating Existing Beach Facilities prepared by City of San Clemente Coastal Advisory Committee and Coastal Development Permit 5-00-333.

LIST OF EXHIBITS:

1. Vicinity Map
2. Pier Bowl Boundaries Map
3. Coastal Access Points
4. Project Sites and Plans

STAFF RECOMMENDATION:

The staff recommends that the Commission **APPROVE** the permit with special conditions.

MOTION:

I move that the Commission approve Coastal Development Permit No. 5-01-147 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

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 including the public access and recreation policies of Chapter 3, 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 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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, Waiver of Liability, and Indemnity Agreement

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site of the Linda Lane restroom may be subject to hazards from waves, storm events, flooding, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defiance of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. Prior to any conveyance of the property that is the subject of this coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (A) of this condition. The restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.
- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

2. No Future Shoreline Protective Device

- A(1) By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s), beyond the existing sheet pile wall, shall ever be constructed to protect the improvements to the Linda Lane restroom approved pursuant to Coastal Development Permit No. 5-01-147 including, but not limited to, the new restroom stairway, and any other future

improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

- A(2) By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the permittee and/or landowner shall remove the development authorized by this permit, including the restroom structure and stairway, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.
- A(3) In the event the shoreline recedes to within 10 feet of the restroom but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the permittee, that addresses whether any portions of the structure is threatened by wave, erosion, storm conditions, or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the restroom without shoreline protection including, but not limited to, removal or relocation of portions of the restroom. If the geotechnical report concludes that the restroom or any portion of the restroom is unsafe, the permittee shall, in accordance with a coastal development permit, remove the threatened portion of the structure.
- B. Prior to any conveyance of the property that is the subject of this coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (A) of this condition. The restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.
- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

3. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;

- (c) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. BMPs and GHPs which shall be implemented include, but are not limited to: stormdrain inlet protection with sandbags or berms, all stockpiles must be covered, and a pre-construction meeting shall be held to review procedural and BMP/GHP guidelines. Selected BMPs shall be maintained in a functional condition throughout the duration of the project.
- (d) Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone, pursuant to Special Condition No. 4.

4. Location of Debris Disposal Site

The applicant shall dispose of all demolition and construction debris resulting from the proposed projects at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

5. Timing of Construction and Public Access

By acceptance of this permit, the applicant agrees to minimize adverse impacts to public use of the adjacent beach areas resulting from construction activities as required below.

- a) No construction shall occur during the “peak use” beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year.
- b) In the event that pedestrian access at the Municipal Pier becomes obstructed during construction, signage shall be posted on site identifying the nearest public accessway providing safe railroad crossing.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. **Project Location, Description and Background**

Project Location

The proposed project sites are located throughout the “Pier Bowl” area of the City of San Clemente, Orange County (Exhibits 1 & 2). The Pier Bowl is a mixed-use district adjacent to the San Clemente Municipal Pier. As shown in Exhibit 3, public access to the shoreline is available via both an at-grade paved railroad crossing and a below-grade underpass at the base of the Pier.

The Pier Bowl includes commercial, visitor-serving and residential development. As described in the City’s *Pier Bowl Specific Plan*, the topography of the subject area gently slopes seaward,

forming a “natural amphitheater to the ocean.” Three (3) of the proposed projects are located at the Parque Del Mar, a landscaped municipal park located between the frontage street (Avenida Del Mar/Avenida Victoria) and the Municipal Pier. One project is located at the base of the Pier, another is located on the Pier itself, and the last is located at the Linda Lane restroom, north of the Pier. (See Exhibit 4 for individual project locations.)

Specifically, the six (6) project sites are located 1) at the Parque Del Mar between the Avenida Del Mar sidewalk and the at-grade railroad crossing to the Municipal Pier; 2) along the southwestern (seaward) portion of Avenida Del Mar; 3) at Parque Del Mar just south of the below-grade rail crossing; 4) at the base of the Pier; 5) on the beach at the existing Linda Lane restroom; and 6) along an existing lower railing of the Pier. All projects will occur on City-owned property.

Project Description

The City is proposing municipal improvement projects within the Pier Bowl area to serve residents and visitors, as described below. (Project plans are provided in Exhibits 4a-f.)

1. Pier At-Grade Stairway (Exhibit 4a)

The City proposes to install a new 10' wide by 35' long stairway to formalize a pathway cut by pedestrians through a gradual landscaped slope from the existing sidewalk at Avenida Del Mar to the at-grade rail crossing. Additional decorative light poles will be placed at the top and bottom of the stairs to ensure safe illumination. Surrounding landscaping and irrigation will be enhanced or repaired as needed.

2. Parque Del Mar Sidewalk Replacement and Widening (Exhibit 4b)

The project involves the removal of approximately 65' of existing deep stamped and colored sidewalk and replacement with interlocking pavers (adjacent to the new stairway discussed above). The existing sidewalk has proven problematic for public use due to the depth of the stamped pattern. Also, the sidewalk will be widened from 3'10" to 10' to accommodate increased pedestrian traffic. Widening will occur into an adjacent lawn area.

3. Handicapped Parking Stalls (Exhibit 4c)

The City proposes to create two (2) new angled handicapped parking stalls along the frontage of Parque Del Mar, where Avenida Del Mar changes name to Avenida Victoria. The new spaces will cut into a portion of the park in order to provide a gentle grade and paths-of-travel outside the roadway, both of which are necessary to meet ADA guidelines. The two angled non-metered handicapped spaces will replace two metered parallel spaces along the street. The project will also involve the removal of approximately 40' of stamped concrete sidewalk and replacement with interlocking pavers around the newly created ADA compliant parking area.

4. Base of Pier Trash Enclosure (Exhibit 4d)

The project involves the expansion of the existing trash enclosure by approximately 20 square feet to allow several more roll-away bins and to construct a lattice work cover to camouflage the structure from residences above. The trash enclosure expansion is necessary as a result of the expansion of the Fisherman's Restaurant on the Pier. According to City staff, the current storage capacity is inadequate and there is no way to increase the frequency of collection, as current collection services are daily.

5. Linda Lane Restroom Repair/Stairway Addition (Exhibit 4e)

The City proposes to make major repairs and add a new stairway to the Linda Lane restroom, which is located on the sandy beach less than one-quarter mile (approximately 985 feet) north of the Pier. The restroom is approximately 40 years old. The concrete block structure has cracks and spalls on much of the exterior and interior. The concrete roof “pad” has also cracked and spalled as the interior rebar rusts and

fails. A new stairway is proposed at the ocean-facing entrance to the structure where there is a substantial drop-off during periods of seasonal erosion. As stated by the applicant, *"the ocean facing entrance is subject to severe winter storm erosion, often making access to the facility nearly impossible."*

To summarize, the proposed repairs include, 1) removal of the deteriorated concrete roof, 2) systematic removal of each course of block until usable, non-rusted material is found, 3) reconstruction of the courses back to the top of the walls; 4) construction of a stairway on the ocean-facing entrance that would be buried by the sand in the summer and exposed during winter erosion in order to provide year round access to the restroom; and 5) replacement of the concrete roof with a standard wooden roof structure. A new ADA ramp to the restroom is not feasible, as erosion would present a major problem in providing a year round ramp with the appropriate grade. The nearest ADA compliant restroom is located at the base of the Municipal Pier and a restroom with ADA "attendant" assistance is available at the Marine Safety Headquarters.

6. Pier Fire Line(Exhibit 4f)

The project involves the installation of a dedicated fire line, designed to meet Orange County Fire Authority (OCFA) guidelines. The project will require the mounting of a 4" to 6" copper water line with support brackets to existing posts along the southern railing of the Municipal Pier. The fire line is necessary to provide a greater level of fire protection on the City's historic wooden fishing pier. The line will service the entire pier structure and provide hydrant valves along the length of the Pier to assist in fire-fighting efforts.

B. Hazard

One of the six projects currently proposed involves development on the sandy beach. The City is proposing major repairs to the Linda Lane restroom, including roof replacement, new stairway construction and replacement of all deteriorated concrete block wall material (Exhibit 4e). The beach in the vicinity of the restroom is approximately 26' wide during summer months and substantially eroded during the winter. Due to its proximity to the Pacific Ocean, the restroom is regularly subject to wave up-rush ensuing from seasonal high tides and storm events. In the application submittal, City staff recognizes that the site is *"subject to severe winter storm erosion."* Development in such a location is inherently risky.

The extent of the proposed repairs, including substantial demolition and reconstruction of the existing structure, constitutes new development. Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. The project site is in an area subject to flood hazard. Section 30235 of the Coastal Act states that an existing structure can be protected when in danger from erosion provided that the protective structure is designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Specifically, it reads:

"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."

While Section 30235 of the Coastal Act allows shoreline protective devices to protect existing structures, in this situation, the existing structure is being partially demolished and reconstructed

and a new stairway is being added to the seaward side. The entire roof is being removed and replaced and a substantial portion of the walls will be removed and replaced. For that reason, the proposed project (major repair and reconstruction of an existing structure) constitutes new development. Since the project constitutes new development, an opportunity is created to site the new development in such a manner that it will not necessitate (in the future) the construction of a shoreline protective device. Shoreline protective devices have adverse impacts on coastal processes that can result in the loss of sandy beach that consequently reduces the public's ability to recreate. Therefore, new development must be sited in a manner which avoids the potential that a shoreline protective device will be necessary in the future. One possible solution for avoiding a future protective device is the acceptance by the applicant of a special condition which acknowledges that the proposed structure will be constructed as an expendable development.

In this case, the restroom facility is located on the sandy beach, seaward of the railroad tracks. As stated previously, the width of the beach at the subject site is approximately 26 feet during the summer season and virtually disappears in the winter. The restroom is located as landward as is currently possible at this location along the beach, given the fact that the OCTA railroad tracks constitute a barrier to moving the restroom any further inland. Relocation would have to occur inland of the tracks to avoid wave activity. However, relocation may also present a hazard, as beach-goers would have to cross the railroad tracks to reach the restroom. There is no designated railroad crossing at this location. The nearest crossings are at the Municipal Pier to the south and Linda Lane to the north.

Nonetheless, as currently sited, the existing restroom structure is subject to hazard from wave uprush and flooding during the winter season. In acknowledgement of the potential that flooding could adversely affect the restroom, the City has included in their submission the Coastal Advisory Committee's *Draft Policy for Protecting, Replacing or Relocating Existing Beach Facilities*, which is intended to provide the City with a "policy framework from which to make decision on how to best manage beach facilities." The policy provides a description of each beach facility, including the Linda Lane restroom, and then discusses various alternatives to either protect, replace or relocate the facility. (The Commission recognizes that the Committee's document is in draft form at this time, and must subsequently be approved by the Parks and Recreation Commission and City Council prior to adoption.) As described in the draft policy document,

"The restroom was built in the sand in the 1960s...The seaward portion of the building is protected with a sheet pile wall, which was installed in 1983 when severe El Nino storms threatened to undermine it. The new stairway will provide access at the front (ocean-facing) of the building during periods of erosion when the drop off over the wall would otherwise limit access."

The existing sheet piles are located along the seaward side of the structure approximately 16" away from the building footer. As explained by City staff, "The tops of the sheet piles are cut off 20" below the building floor grade. The sheet piles wrap around the building partially on the ends at a 30 degree angle about 5 feet." According to City staff, the existing sewer lines at the restroom have not been threatened by erosion, as they are sited in the rear of the structure. The restroom sewer service is provided through the City's Beach Trunk Sewer System, located inland of the railroad tracks. On February 12, 2001, the Commission approved CDP No. 5-00-333 (City of San Clemente), which allowed improvements and upgrades of the Beach Trunk Sewer System, including the replacement of the Linda Lane and La Rambla pump stations; beach sewer improvements; construction of three relief sewers; manhole rehabilitations and tributary sewer connection improvements. A portion of the approved sewer upgrades will occur in the area of the

Linda Lane restroom. However, while the sewer improvements are protected by the existing rip-rap placed seaward of the railroad tracks, the restroom structure is largely unprotected. As such, the restroom may be subject to hazard from erosion in the future.

While the Coastal Advisory Committee's draft policy document addresses possible relocation or replacement, protection of the structure appears to be the preferred alternative at this time. The document states that the *"installation of new sheet piles, to repair or extend the existing sheet pile wall will provide the most cost effective method to protect the building. The existing wall has been covered with sand and therefore has suffered minimal damage from corrosion."* Protection is considered "moderate" in cost, while relocation or replacement are considered "high." Although it is considered favorably in the draft policy document, the City is not proposing protection of the Linda Lane restroom as part of the current application. However, protection of the structure may be proposed in the future. As discussed below, a protective device at this location would result in adverse effects to coastal resources.

Shoreline protective devices can result in a number of adverse effects on the dynamic shoreline system and the public's ability to utilize the beach. First, shoreline protective devices can cause changes in the shoreline profile, particularly changes in the slope of the profile resulting from a reduced beach berm width. This may alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on public property.

The second effect of a shoreline protective device on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. A loss of area between the mean high water line and the actual water is a significant adverse impact on public access to the beach, as it results in less usable sandy beach area.

Third, shoreline protective devices such as revetments and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. As set forth in earlier discussion, this portion of San Clemente is subject to severe winter erosion. The Commission notes that if a seasonally eroded beach condition occurs with greater magnitude due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate. The Commission also notes that many studies performed on both oscillating and eroding beaches have concluded that loss of beach occurs on both types of beaches where a shoreline protective device exists.

Fourth, if not sited in a landward location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, revetments, bulkheads, and seawalls interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events, but also potentially throughout the winter season.

Section 30253 (2) of the Coastal Act states that new development shall neither create nor contribute to erosion or geologic instability of the project site or surrounding area. Therefore, if the

restroom structure requires a protective device in the future it would be inconsistent with Section 30253 of the Coastal Act because such devices contribute to beach erosion.

To assure that no additional protective device will be constructed in the future to protect the Linda Lane restroom, the Commission imposes two special conditions. Since the proposed development is taking place adjacent to the ocean in an area that is potentially subject to wave uprush, the Commission is imposing its standard waiver of liability special condition. The second special condition requires that the applicant agree that no additional future shoreline protective device shall be constructed to protect the restroom. Through these two special conditions, the applicant is notified that the project site is in an area that is potentially subject to flooding which could damage the proposed restroom and that the restroom can not be protected through a shoreline protective device. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. In addition, these conditions insure that future owners of the property will be informed of the risks, the Commission's immunity from liability, and that the restroom can not be protected through a shoreline protective device. Therefore, only as conditioned does the Commission finds that the proposed project is consistent with Section 30235 of the Coastal Act.

Section 30253 requires that new development minimize risks to life and property in areas of flooding. As previously discussed above, the area is in a flood zone. Section 30253, in relevant part, states:

"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."*

The restroom will be repaired in its current location—on the sandy beach, seaward of the railroad tracks. The beach in the vicinity of the restroom is approximately 26 feet wide during the summer and sometimes nonexistent in the winter. Due to the project's proximity to the ocean, the restroom can not be located outside of the flood zone without being relocated inland of the railroad tracks. Furthermore, the existing restroom, a necessary public amenity to a public beach, has been in existence for forty years without being destroyed. According to City staff, the sheet pile wall constructed in 1983 has adequately protected the structure from being undermined during strong storm events, including El Nino storm events. The City's submittal clearly states that the proposed project is *"not intended as protection for the facility, but repair to damage on the structure."* The majority of repairs include replacement of the roof and upper wall segments. No work to the existing below grade sheet pile is proposed. Therefore, the proposed repairs will not contribute to erosion of the site nor place the structure at greater risk that presently exists. Based on the fact that the restroom is a necessary public amenity and the probability of damage is low, the Commission finds the proposed development consistent with Section 30253 of the Coastal Act.

C. Water Quality

Section 30230 of the Coastal Act states, in pertinent part:

Marine resources shall be maintained, enhanced, and where feasible, restored.

Section 30231 of the Coastal Act states:

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.

Section 30232 of the Coastal Act states, in pertinent part:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials.

The City of San Clemente proposes to carry out various municipal improvement projects within the Pier Bowl area. As shown in Exhibit 3, these projects are located adjacent to coastal waters. Four are located inland of the OCTA railroad tracks, one is located on the Pier and one is located directly on the sandy beach.

Although the proposed projects will not have direct post-construction impacts on coastal waters, construction impacts have the potential to negatively affect water quality. Storage or placement of construction materials, debris, or waste in a location which may be discharged into coastal waters would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, sediment discharged to coastal waters may cause turbidity which can shade and reduce the productivity of eelgrass beds and foraging avian and marine species ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, Special Condition No. 3 outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. Special Condition No. 4 requires the debris disposal site to be located outside the coastal zone. These conditions ensure that construction activities will not have a negative impact on coastal resources.

As discussed above, the proposed projects will not result in post-construction impacts on water quality. During construction, special precautions will be followed to ensure that materials are stored properly and debris is disposed of at an appropriate location. Only as conditioned for appropriate construction practices does the Commission find that the proposed development is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

D. Public Access and Recreation

Section 30212(a)(2) of the Coastal Act states, in pertinent 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*

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 include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3, including 30212 identified above. As shown in Exhibit 3, all of the proposed project sites are located between the first public road and the sea. Five of the six sites are located directly inland of the OCTA railroad tracks. The Linda Lane restroom is the only project located seaward of the tracks.

Access to the shoreline in the area of the proposed projects is currently available via the Municipal Pier access point, which provides both an at-grade paved railroad crossing and a below-grade underpass (Exhibit 3). This access point is located at the base of the Municipal Pier adjacent to commercial shops, bus stops, a park, the beach and the Marine Safety Headquarters. As stated in the City's certified LUP, "*due to the diversity of attractions in the Pier Bowl, the Municipal Pier access receives the highest use of any access in the City.*"

As described previously, the proposed project consists of six (6) municipal improvements that will serve residents as well as visitors to the Pier Bowl area. Three (3) of the proposed projects directly affect public access to the shoreline, including the addition of handicapped parking spaces closer to the Pier, the replacement and widening of the sidewalk along Avenida Del Mar, and the new stairway leading to the at-grade Pier crossing. Additionally, the Linda Lane restroom repair is necessary for the facility to remain useable to the public, thereby serving the public's use of the beach.

Construction impacts, such as obstruction of lateral or vertical access to the shoreline with trucks and/or equipment, can affect the public's ability to access the beach and recreate on it. Construction related impacts can be partially alleviated by limiting construction work to the off-peak season (fall and winter) when beach use by the public is typically low. With this in mind, the City intends to initiate construction in the off-peak season. The City has also indicated that beach access will not be affected during construction, as alternative access will be provided during construction. Although the applicant intends to complete the project prior to peak beach use season and to maintain public access during construction, there is a possibility for delay and/or unexpected construction impacts. Therefore, to guarantee that public access is maintained during peak beach use season, the Commission imposes Special Condition No. 5. This special condition requires construction to occur prior to the Memorial Day weekend and/or following the Labor Day weekend. The condition also requires that signage be posted on site during construction to notify the public of the nearest pedestrian railroad crossing in the event that the Municipal Pier railroad crossings (at-grade and/or below-grade) are obstructed during construction.

At the time of this staff report, the City staff has indicated acceptance of this special condition. Only as conditioned for continued public access does the Commission find the proposed development consistent with the public access policies of the Coastal Act.

E. Local Coastal Program

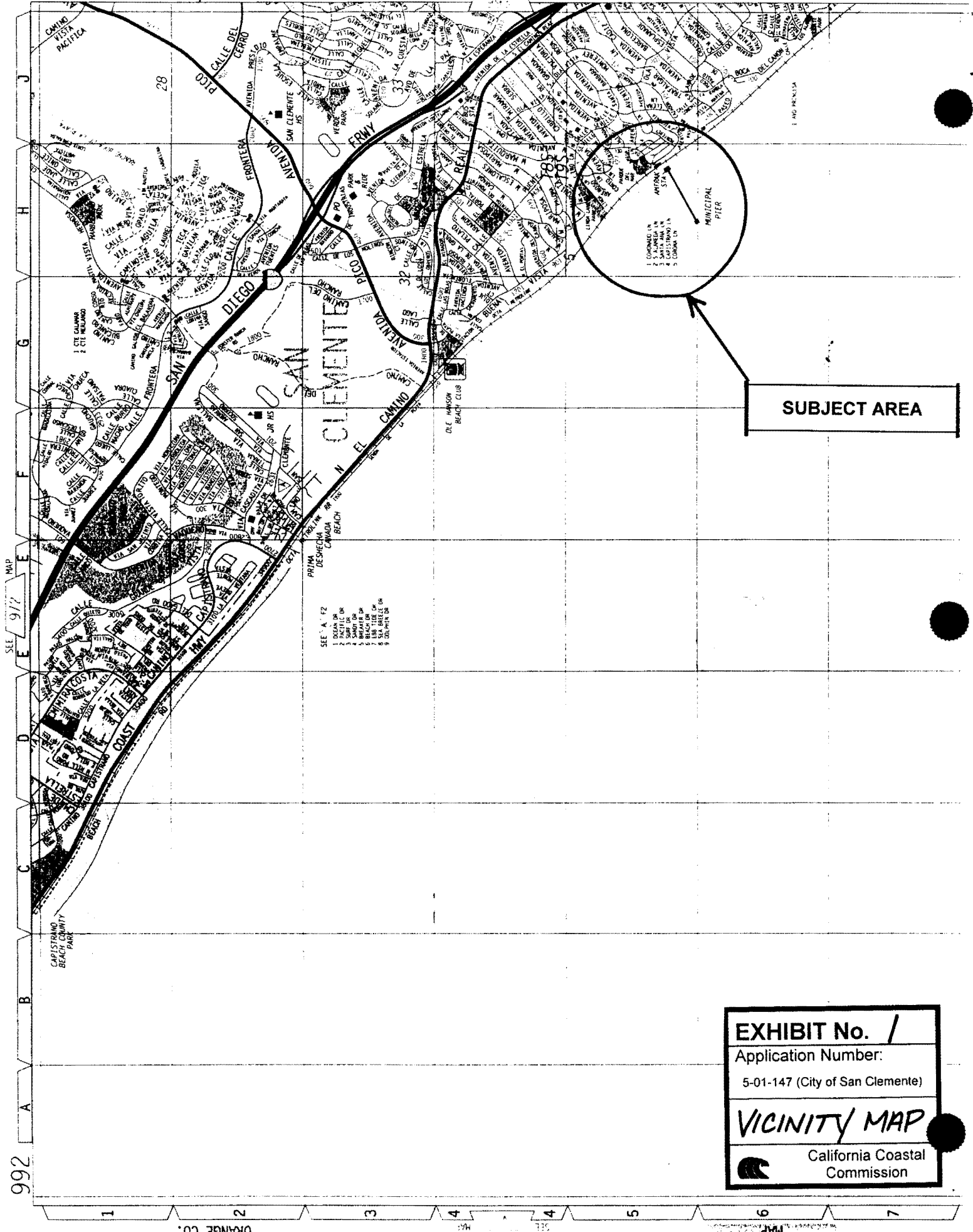
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The Commission certified 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 Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000.

The proposed development is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. 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).

F. 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 found to be consistent with the public access policies of the Coastal Act. Mitigation measures, in the form of special conditions, are imposed which require 1) an agreement to assume the risk associated with the development at the Linda Lane restroom; 2) an agreement not to construct a future shoreline protective device should one be needed to protect the Linda Lane restroom; 3) use of construction best management practices (BMPs); 4) the debris disposal site to be located outside the coastal zone; and 5) timing of construction to be outside of peak beach use season. No further alternatives, or mitigation measures, beyond those imposed by this permit amendment, would substantially lessen any significant adverse impacts which the development would have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.



SUBJECT AREA

EXHIBIT No. /

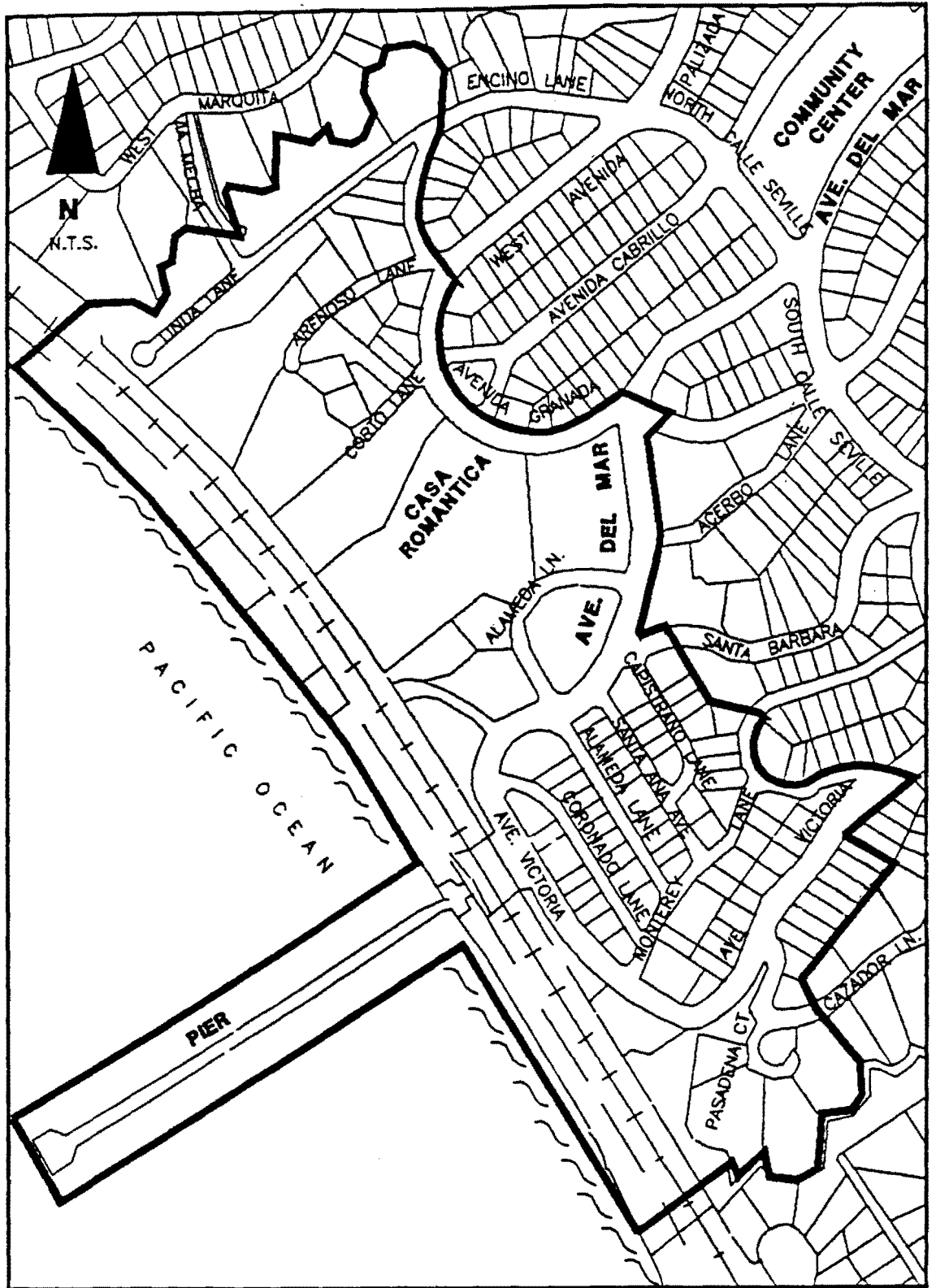
Application Number:

5-01-147 (City of San Clemente)

VICINITY MAP



California Coastal Commission



PIER BOWL
SPECIFIC PLAN

PIER

EXHIBIT No. 2
Application Number:
5-01-147 (City of San Clemente)
PIER BOWL BOUNDARIES
California Coastal Commission

S
2
1

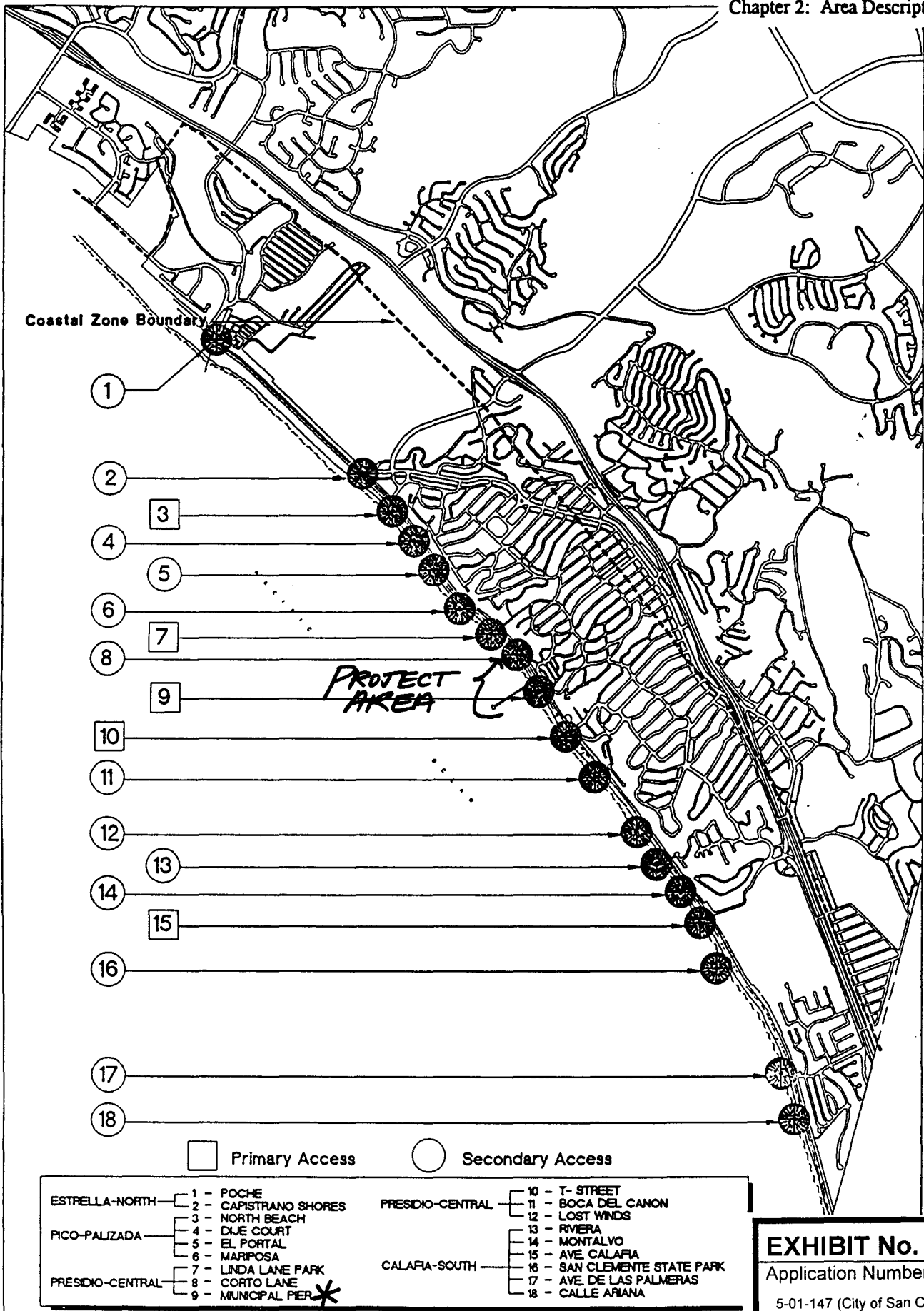


FIGURE 2-5

**CITY OF SAN CLEMENTE
COASTAL ACCESS POINTS**

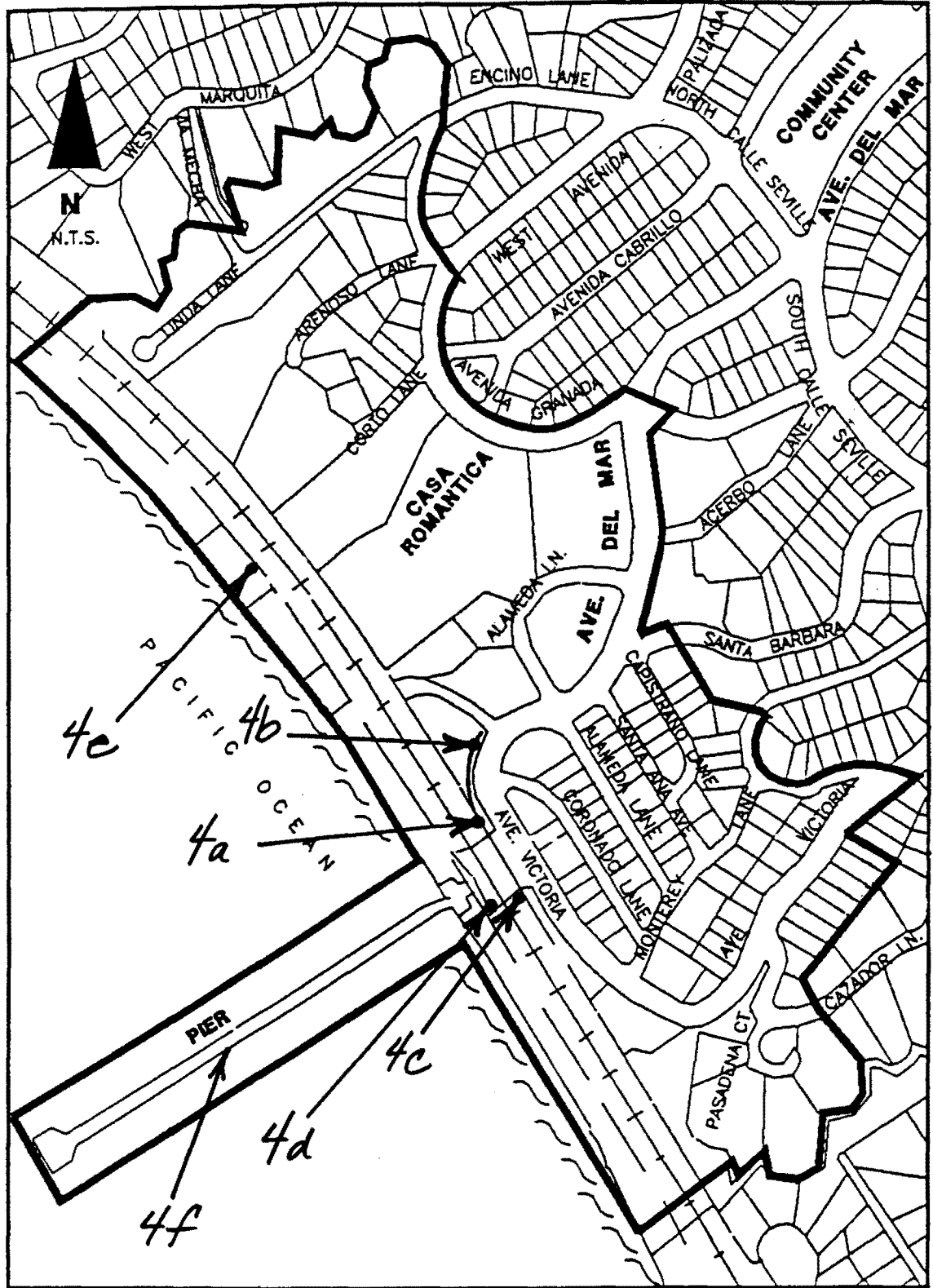


EXHIBIT No. 3

Application Number:
5-01-147 (City of San Clemente)

COASTAL ACCESS

California Coastal Commission

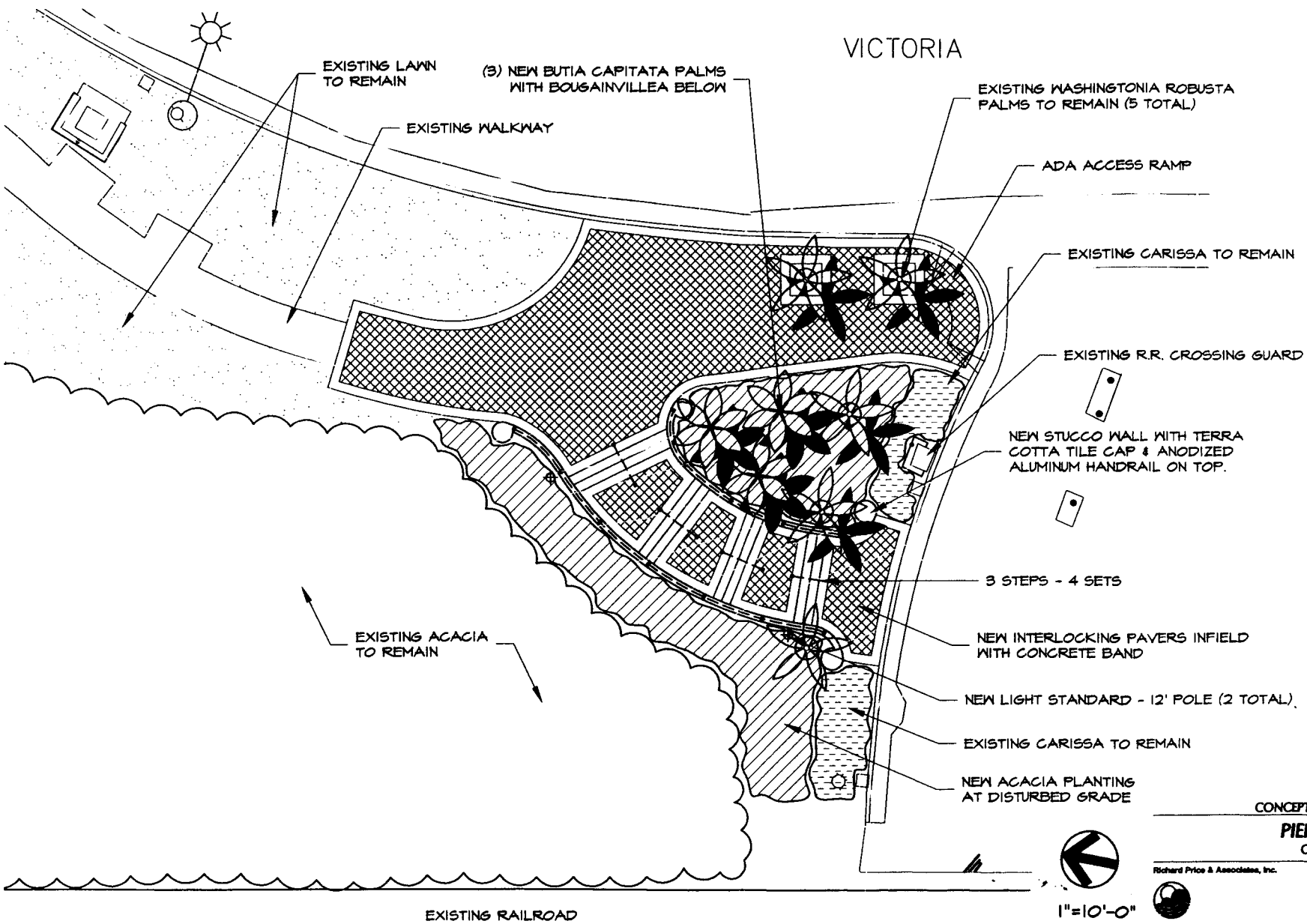


**PIER BOWL
SPECIFIC PLAN**

PIER I

EXHIBIT No. 4
Application Number: 5-01-147 (City of San Clemente)
PROJECT SITES & PLANS a-f
California Coastal Commission

VICTORIA



EXISTING LAWN TO REMAIN

(3) NEW BUTIA CAPITATA PALMS WITH BOUGAINVILLEA BELOW

EXISTING WALKWAY

EXISTING WASHINGTONIA ROBUSTA PALMS TO REMAIN (5 TOTAL)

ADA ACCESS RAMP

EXISTING CARISSA TO REMAIN

EXISTING R.R. CROSSING GUARD

NEW STUCCO WALL WITH TERRA COTTA TILE CAP & ANODIZED ALUMINUM HANDRAIL ON TOP.

3 STEPS - 4 SETS

NEW INTERLOCKING PAVERS INFIELD WITH CONCRETE BAND

NEW LIGHT STANDARD - 12' POLE (2 TOTAL)

EXISTING CARISSA TO REMAIN

NEW ACACIA PLANTING AT DISTURBED GRADE

EXISTING ACACIA TO REMAIN

EXISTING RAILROAD



1"=10'-0"

CONCEPTUAL LANDSCAPE PLAN

PIER BOWL STAIRS
CITY OF SAN CLEMENTE

Richard Price & Associates, Inc.

Landscape Architects/Planners
27127 Calle Arroyo, Suite 1905
San Juan Capistrano, CA 92675
949-248-7138 Fax: 949-248-4980
Nevada: 702-564-0980
CA License 1381 NV License 119



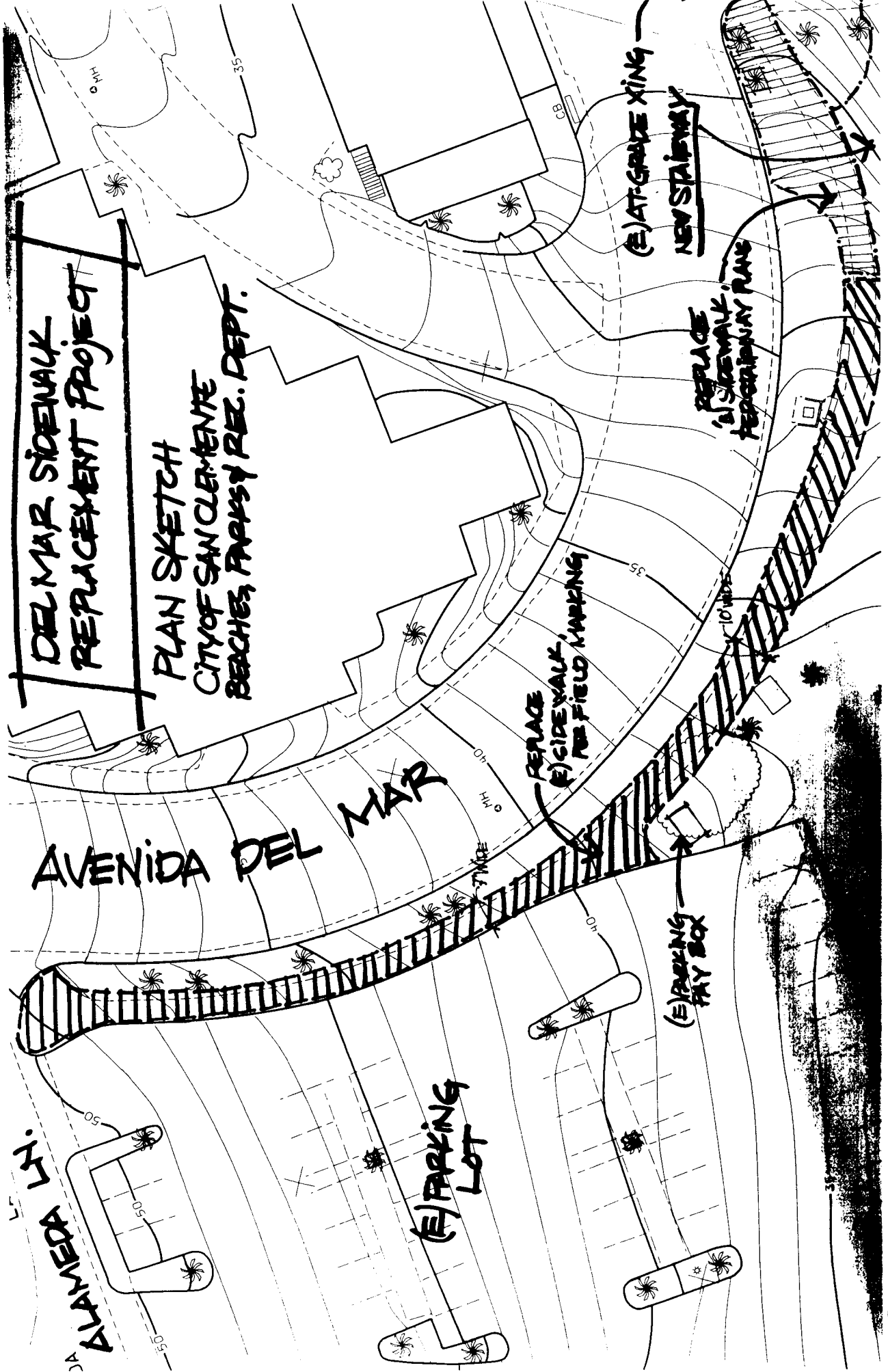
12/28/00

20545

EX. 4
1/1

**DELMAR SIDEWALK
REPLACEMENT PROJECT**

**PLAN SKETCH
CITY OF SAN CLEMENTE
BEACHES, PARKS & REC. DEPT.**



AVENIDA DEL MAR

ALAMEDA

**(E) PARKING
LOT**

**(E) PARKING
TRASH BOX**

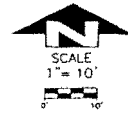
**REPLACE
(E) SIDEWALK
FOR FIELD MARKING**

**REPLACE
(E) SIDEWALK
FOR CURBWAY RAMP**

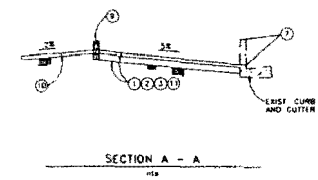
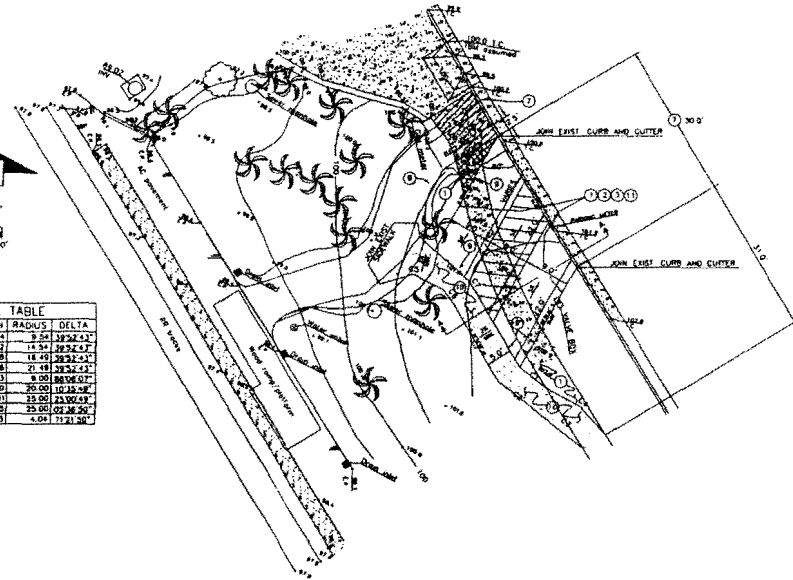
**(E) AT-GRADE XING
NEW STAIRWAY**

CONSTRUCTION NOTES

- ① REMOVE EXISTING SECTION PER PLAN (DEPTH VARIES, MIN 12")
- ② CONSTRUCT 2" A.C. BASE TYPE # B2 40-4000
- ③ CONSTRUCT 2" A.C. RUBBERIZED ASPHALT
- ④ SAWCUT AND REMOVE EXISTING CURB TO JOIN PROPOSED +C. PAINT N/A
- ⑤ CONSTRUCT CURB PER P.R.A. F.O. STD. PLAN No. 120-D, TYPE AT-1-B
- ⑥ CONSTRUCT SIDEWALK PER SPECIFICATIONS (SPECIAL PROVISIONS)
- ⑦ TEMP. PER CURES INTERMITTENT MANUAL FIGURE No. 31-18C



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	6.84	9.54	18.22-11
C2	10.12	14.54	22.52-17
C3	11.48	18.48	25.52-17
C4	16.96	21.48	28.52-17
C5	13.52	8.00	18.02-17
C6	3.70	20.00	10.12-16
C7	10.81	25.00	23.00-19
C8	2.43	25.00	02.28-05
C9	3.03	4.04	17.21-06

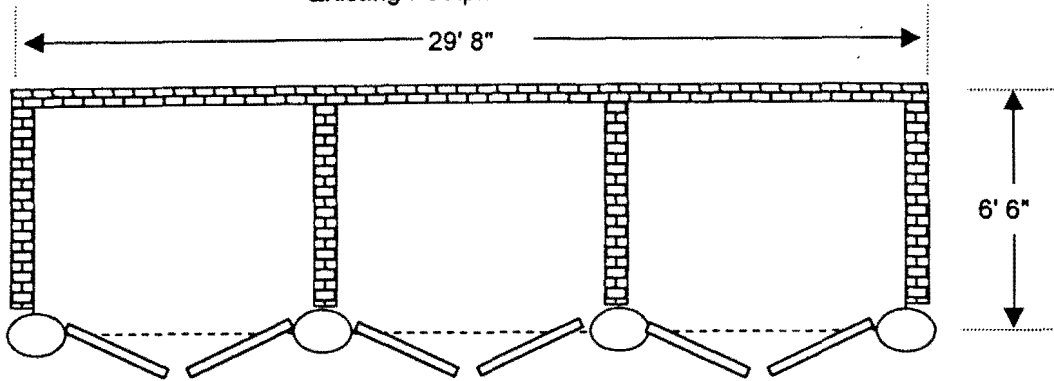


REV. DATE	DESCRIPTION	BY	APP'D.	REFERENCES	APPROVALS	ENGINEERING SCALE AS SHOWN	DATE	CONSTRUCTION PLAN	DRAWING NO.
						DRAWN BY: A.C.C.	DESIGNED BY: H.T.	PIER BOWL PARKING	SHEET 3
						CHECKED BY: H.T.	DATE	CITY OF SAN CLEMENTE	OF 3
						APPROVED:	WE EMPEROR ACE 23764 CITY ENGINEER		

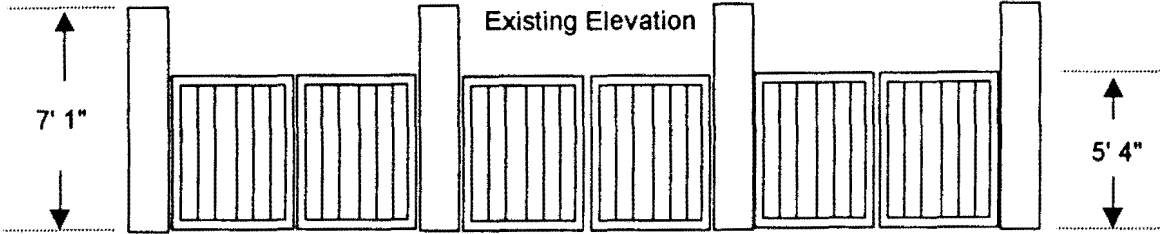
1/1
E.R.C.

Base Of Pier Trash Enclosure Renovation

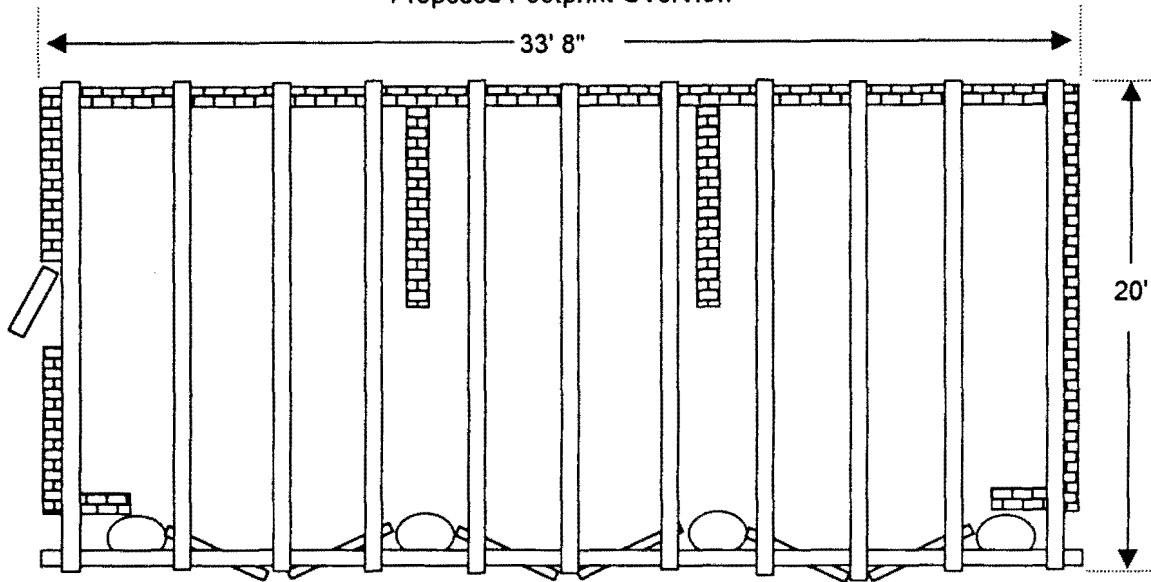
Existing Footprint Overview



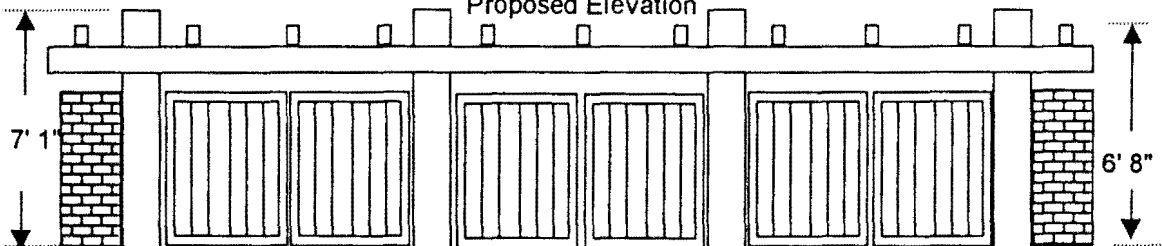
Existing Elevation



Proposed Footprint Overview



Proposed Elevation



Ex. 4d
1/3



EXISTING CONDITIONS



BASE OF PIER TRASH ENCLOSURE EXPANSION
CITY OF SAN CLEMENTE

Ex. 4d
2/3



HIGH LIGHTED PROPOSED MODIFICATIONS

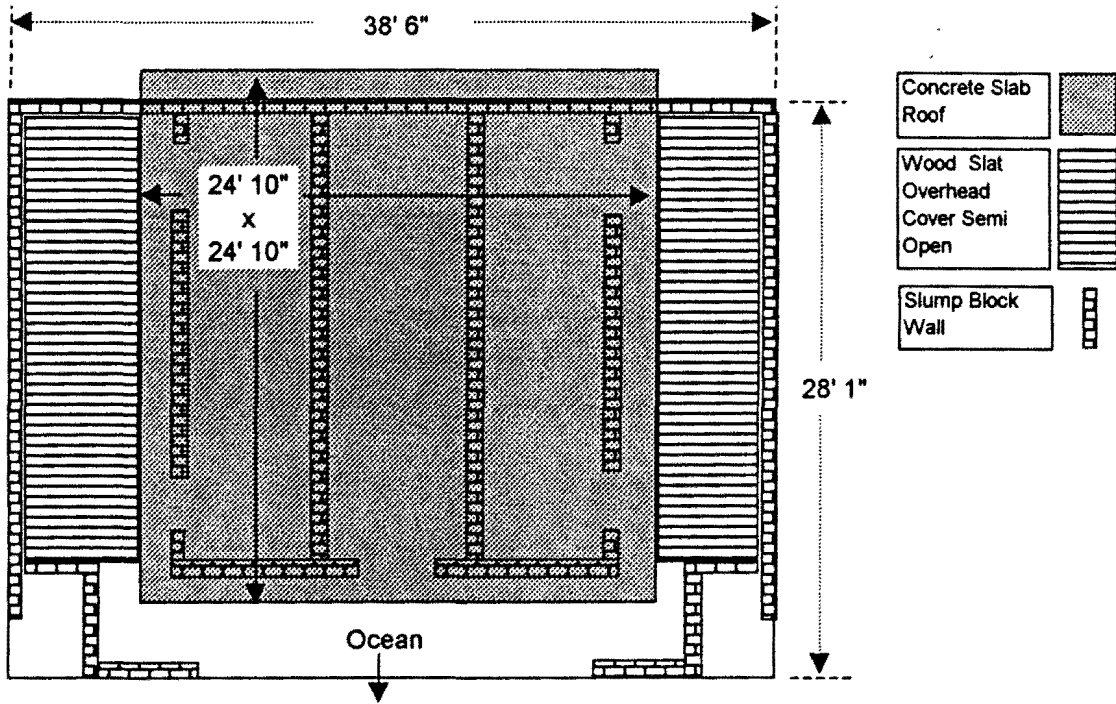


BASE OF PIER TRASH ENCLOSURE EXPANSION

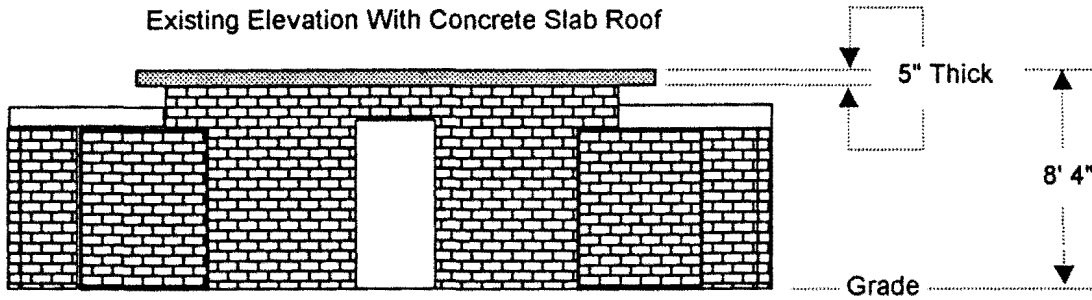
CITY OF SAN CLEMENTE

Ex. 4d
3/3

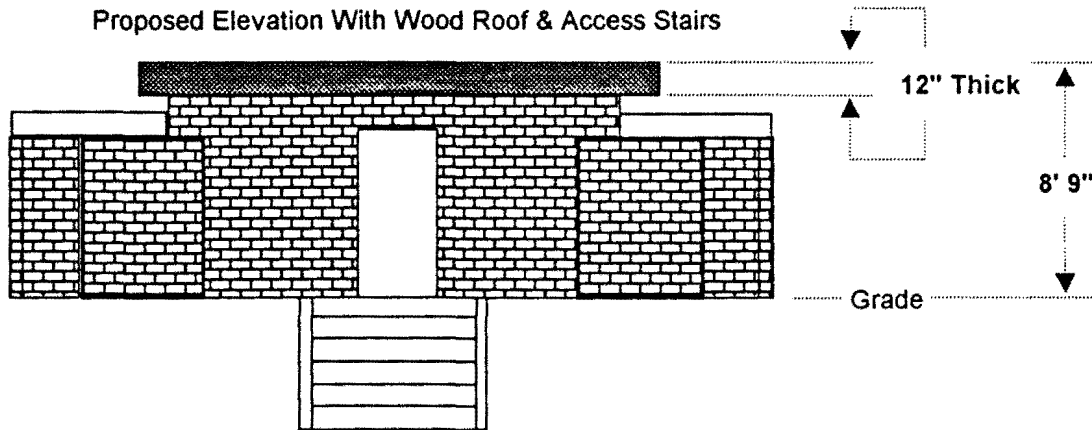
Linda Lane Restroom Renovation



Existing Elevation With Concrete Slab Roof



Proposed Elevation With Wood Roof & Access Stairs



Ex. 4e
1/3

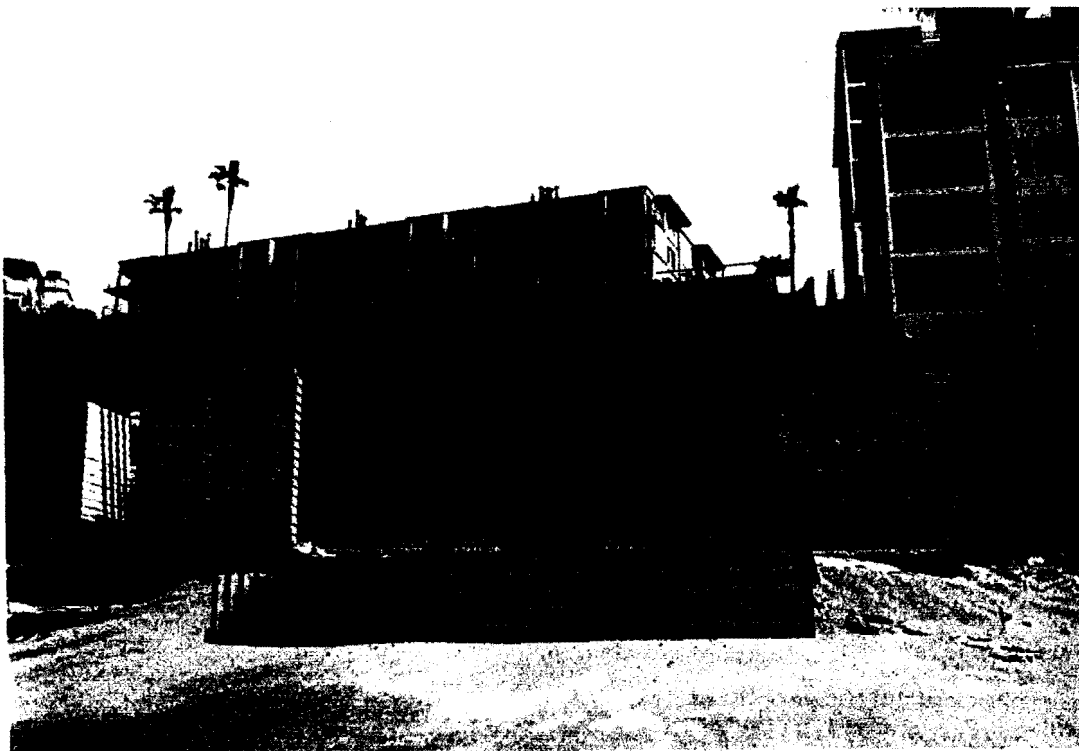


EXISTING CONDITIONS



LINDA LANE RESTROOM RENOVATION
CITY OF SAN CLEMENTE

Ex. 4c
2/3



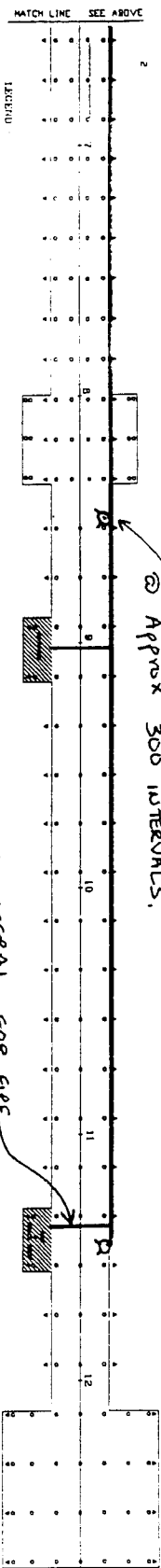
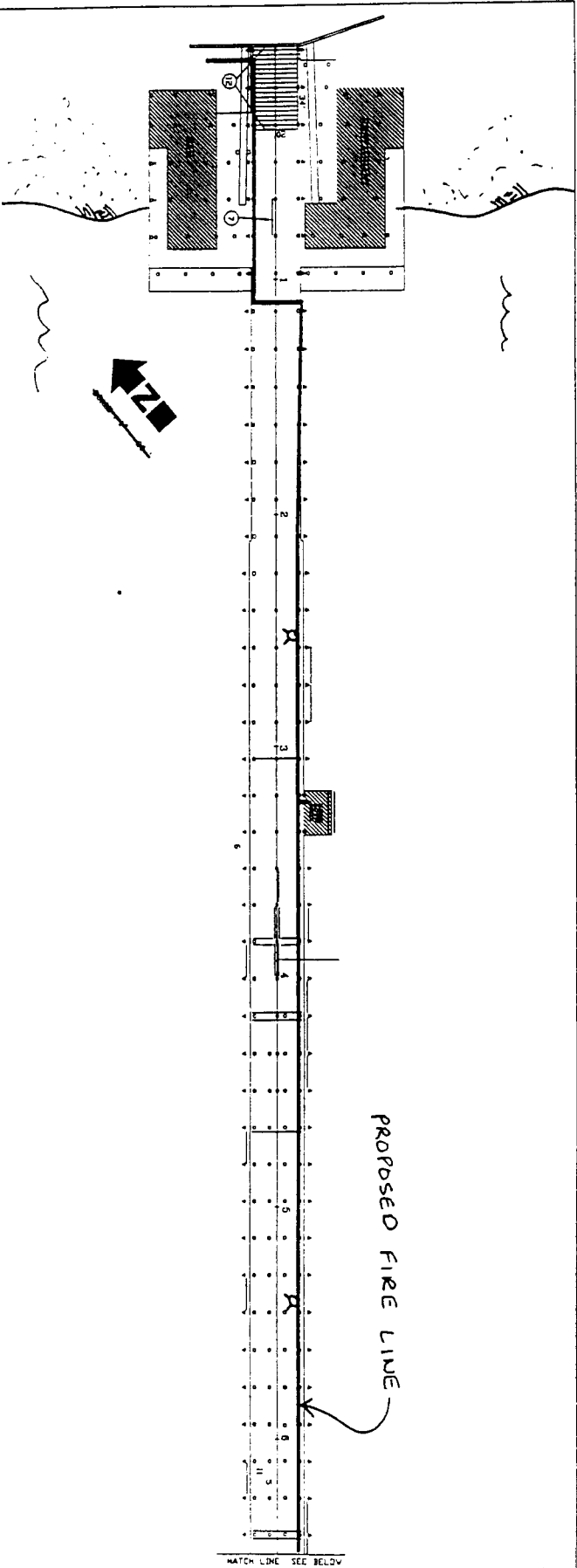
PROPOSED MODIFIED PROJECT



LINDA LANE RESTROOM RENOVATION

CITY OF SAN CLEMENTE

Ex. 4e
3/3



- LEGEND
- (A) HULL
 - (B) STANDPIPE FOR
 - (C) LATERAL FOR
 - (D) STANDPIPE

PROPOSED CLASS I STANDPIPE
 @ Approx 300' INTERVALS.

PROPOSED LATERAL FOR FIRE
 SPRINKLER INSIDE BLDG.
 (TRP)

PIER FIRE LINE

NO.	REVISIONS

NO.	REFERENCES

NO.	APPROVALS

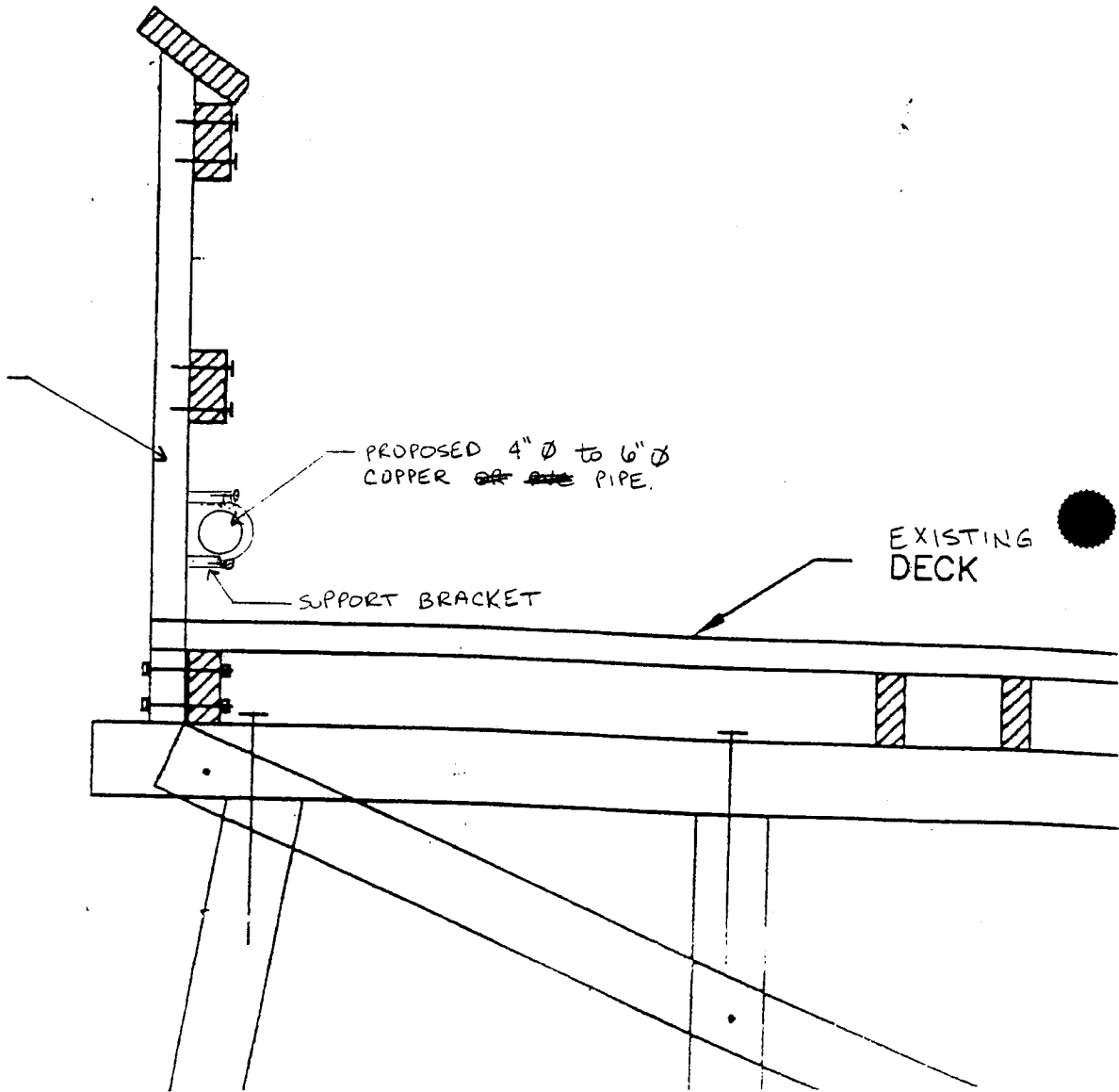
DATE	BY	FOR

PIER FIRE LINE
 PROJECT NO. 19089
 CITY OF SAN CLEMENTE

DATE	BY	FOR

EX.44
 1/2

EXIST
4" x 4" POST



PROPOSED 4" Ø to 6" Ø
COPPER OR PIPE.

SUPPORT BRACKET

EXISTING
DECK

Ex. 4f
2/2