

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

767-2370



## RECORD PACKET COPY

**Tue 11c**

Filed: May 16, 2002  
49th Day: July 4, 2002  
180th Day: November 12, 2002  
Staff: GDC-SD  
Staff Report: September 19, 2002  
Hearing Date: October 8-11, 2002

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-023

Applicant: California Department of  
Parks and Recreation

Agent: Paul Webb

Description: Reconstruction of approximately 7,750 sq. ft. of damaged entrance road and parking lot and restoration of entry gate and kiosk at public beach parking lot.

Site: Cardiff State Beach Parking Lot (North), west side of Highway 101, south of San Elijo Avenue, Cardiff, Encinitas, San Diego County. APN 261-190-10

Substantive File Documents: Certified City of Encinitas LCP; California State Parks Departmental Notice No. 99-18, issued 12/28/99; Coastal Development Permits Nos. 6-84-563, 6-94-68 and 6-96-80/Calif. State Parks.

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the subject development with conditions. While the repairs to the existing park facility will improve public access at the site, construction related activities could potentially interfere with public access to the beach. Therefore, the project is conditioned to prohibit work from occurring during the summer from Memorial Day to Labor Day each year and to minimize public access impacts at other times. In addition, the applicant must assume all risks and liability related to the project. With these conditions, the Commission is assured potential impacts to public access are minimized consistent with Coastal Act policies.

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**I. PRELIMINARY STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 6-02-023 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

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

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. Standard Conditions.**

See attached page.

**III. Special Conditions.**

The permit is subject to the following 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 may be subject to hazards from wave run up and floods; (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 defense 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: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

**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. Storage and Staging Areas/Access Corridors. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final plans indicating the location of access corridors to the construction site and staging areas to the Executive Director for review and written approval. The final plans shall indicate that:

- a. No overnight storage of equipment or materials shall occur on sandy beach. During the construction stages of the project, the permittee shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to perform repairs to the revetment and construct the public access path. Construction equipment shall not be washed on the beach.
- b. Construction access corridors shall be located in a manner that has the least impact on public access to and along the shoreline.
- c. No work shall occur between Memorial Day weekend and Labor Day of any year.
- d. The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents. The staging site shall be removed and/or restored immediately following completion of the development.

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

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the reconstruction of the entrance road and portions of the existing parking lot at the Cardiff State Beach (North) Day Use area which were damaged by wave action during winter storms of 1997/98. The applicant proposes to remove approximately 7,750 sq. ft. of damaged asphalt paving at the entrance to the approximately 105 spaced parking lot, repave and restripe that portion of the repaired lot, reinstall a portable kiosk that has been moved from the storm damaged section and repair the entry gate. No loss of parking spaces will result from the proposed development. In addition, no shoreline protection is proposed to protect the site from future wave action.

The existing approximately 105 spaced parking lot is located at approximately elevation 10 ft. Mean Sea Level (MSL) along the east side of Cardiff State Beach and immediately west of Highway 101. The beach which borders the parking lot generally consists of cobble stone during most of the year. However, the applicant's engineer has identified that a "thin veneer of sand" currently tops the cobble stone as a result of recent maintenance dredging in the mouth of the adjacent San Elijo Lagoon. The site is on the north side and adjacent to a series of restaurants that are identified locally as within Cardiff's "Restaurant Row". In addition, the ocean fronting this portion of Cardiff State Beach contains "Cardiff Reef" one of Southern California's most popular surfing locations. Therefore, repair of this park facility is necessary to maintain public access at a highly popular location.

The applicant has indicated that North Cardiff State Beach has been part of the California State Park system since 1948. Until 1986, the site consisted of an unpaved parking area containing one shower with portable restrooms. In 1985, the Commission approved a permit to construct the 105 spaced parking lot, restroom, showers and fee-collection kiosk (CDP No. 6-84-563/Calif. State Parks). The proposed repairs will return the facility to its previously approved state. In addition to these physical improvements, the Commission in 1994 approved a request from State Parks to allow up to 40 of 105 parking spaces to be used non-exclusively for two-years by a valet parking service to accommodate patrons of the nearby restaurants from 6:00 p.m. to 11:00 p.m. nightly (CDP No. 6-94-68/Calif. State Parks). In 1997, the Commission approved an additional two-year request to allow non-exclusive parking by the valet parking service and to allow the use of up to 80 parking spaces after 6:00 p.m. These permits have subsequently

expired such that no use of the public parking lot is permitted by the restaurant's valet service. In addition, the applicant has indicated that they do not intend to renew such arrangements.

2. Geologic Hazards. Section 30253 of the Coastal Act is applicable and 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.

The proposed reconstruction of the Cardiff State Park Day Use area will occur adjacent to the beach on a site that has been, and will be in future, subject to wave action especially during periods of heavy winter storms. However, the project involves only the reconstruction of the park as it previously existed with no new structures added. In addition, the California Department of Parks and Recreation has an established agency policy to avoid construction of new structures and facilities in areas subject to wave action (Ref. California State Parks Departmental Notice No. 99-18, issued 12/28/99). The applicant has indicated their intent to not request shoreline protection at the site in the future, although it is likely future maintenance and repair at the site will be required. However, since the reconstruction will occur in a known hazard location, the applicant must assume all risks associated with the project. Therefore, Special Condition #1 has been attached which requires the applicant to submit a written agreement to the Executive Director assuming all risks associated with the development and indemnifying the Commission from any liability. Therefore, since the proposed development is essentially replacement in kind of what previously existed with no shoreline protection proposed or needed in the future and the applicant assumes all risks associated with the project, the project is consistent with Section 30253 of the Coastal Act.

3. Public Access. Several policies of the Coastal Act require that new development protect or enhance public access to and along the shoreline. These policies include:

Section 30210

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

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

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby....

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Cardiff State Beach is highly used by the public for a variety of beach and ocean activities. The subject development area is located on the north end of Cardiff State Beach, an approximately 1 mile long beach park adjacent to several restaurants and "Cardiff Reef" one of Southern California's most popular surfing locations. Because of winter storm generated waves in 1997/98, the entry area of the 105-spaced parking lot has been extensively damaged resulting in the loss in use of the entry kiosk and portions of the parking lot. The proposed development involves reconstructing the facility back to its original state and in its original location through removal and re-application of approximately 7,750 sq. ft of asphalt along with the restriping of the repaired section of the lot and the restoration of the entry gate and kiosk. No encroachment onto the beach is proposed. With the reconstruction of the damaged parking area, the amount of public

parking area will be restored to its previous level of 105 spaces. However, since the site, even in disrepair, is highly used by the public for variety of uses, the construction activities associated with the proposed project has the can adversely affect public access at this location. Therefore, Special Condition #2 prohibits construction activities from occurring in the summer months from Memorial Day through Labor Day when beach access is at its height. In addition, Special Condition #2 requires the applicant to submit a construction schedule and staging plan for Executive Director approval which will be made part of any construction bids for the project so that contractors on the project are clearly advised of the prohibition of construction during the summer. In addition, Special Condition #2 minimizes construction impacts on public access at other times by prohibiting overnight storage of construction equipment on the beach or the parking lot and requires that construction corridors be designed to have minimal impacts to public access. With this condition, any adverse impacts to public access will be minimized to the maximum extent feasible. Therefore, since no additional development will occur over what previously existed and, as conditioned, the site will be restored to maximize parking opportunities for public access, the proposed development is consistent with Sections 30210, 30211, 30213 and 30252 of the Coastal Act.

4. Visual Resources. Section 30251 of the Coastal Act states as follows:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. . .

The proposed development will be sited adjacent to the public beach on the west side of Highway 101 in the Cardiff community of Encinitas. This section of Highway 101 is designated in the City's certified LCP as a scenic highway with expansive views of the ocean to the west and San Elijo Lagoon to the east. Therefore any new development along Highway 101 has the potential to adversely affect public views of coastal resources. In this case, however, the proposed development is designed to restore the site to its pre-storm damaged condition. No additional structures are proposed over what previously existed. In addition, landscaping is currently provided at the parking lot entrance. Therefore, the proposed development will not adversely affect any visual resources of the area consistent with Section 30251 of the Coastal Act.

5. 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 on the east side of the public beach and on the west side of Highway 101 in the Cardiff community of the City of Encinitas. Although the City of

Encinitas has a Certified LCP, the project site lies within the Commission's area of original jurisdiction such that 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.

6. California Environmental Quality Act. Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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.

As discussed herein, the proposed project, as conditioned, will not cause significant adverse impacts to the environment. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the proposed activity may have on the environment. Therefore, the Commission finds the proposed project, as conditioned, is the least environmentally-damaging feasible alternative and is 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. 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.



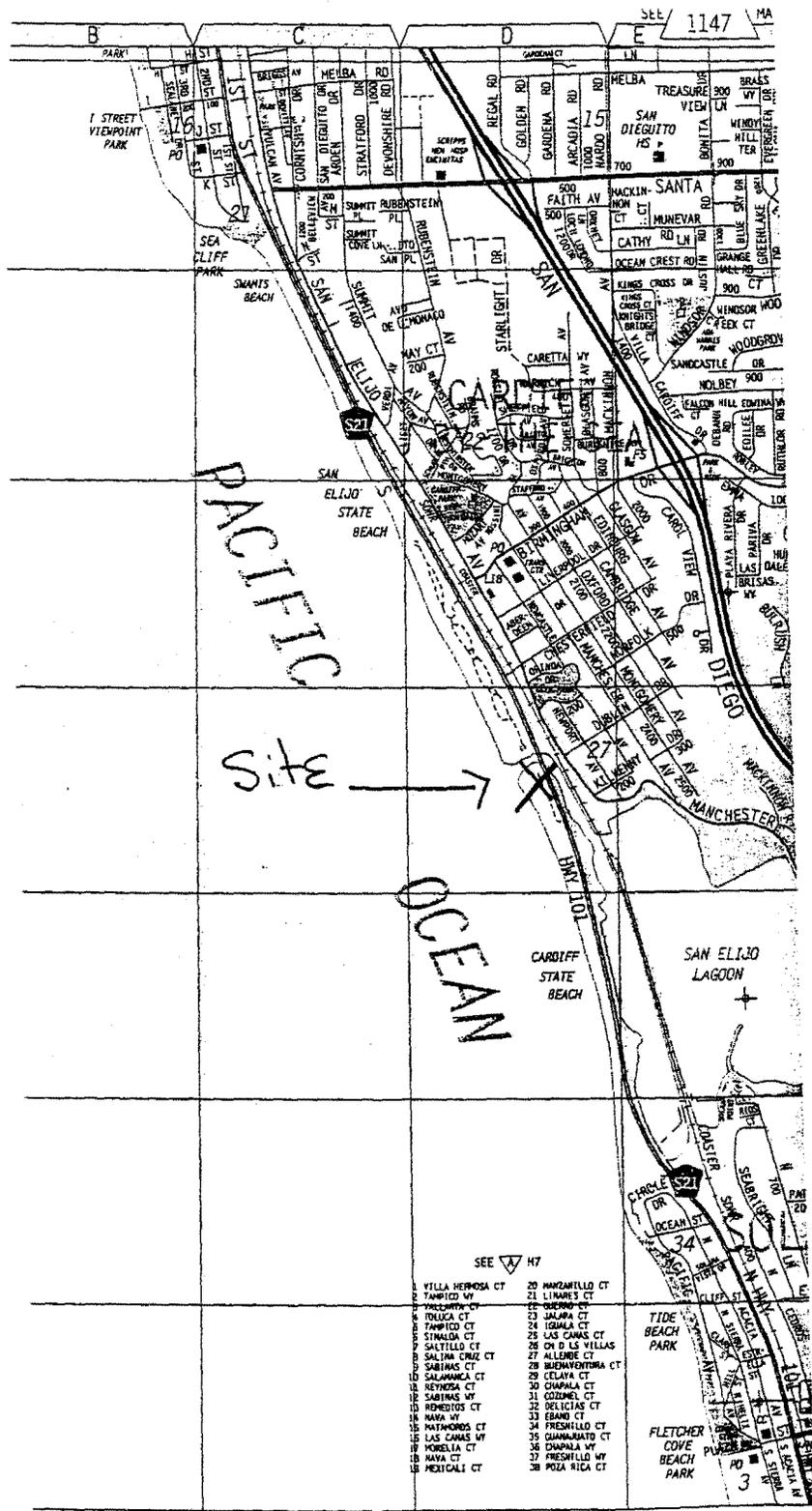
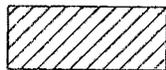


EXHIBIT NO. 1  
 APPLICATION NO.  
 6-02-023  
 Location Map

California Coastal Commission

**LEGEND**



APPROX. 7750 S.F. ASPHALT CONCRETE  
(PULVERIZE & RECOMPACT)



APPROX. 60 L.F. CONCRETE CURB  
(REMOVE & DISPOSE)

CONTACT U.S.A.-UNDERGROUND SERVICE ALERT  
PRIOR TO DEMOLITION. PHONE 1-800-422-4133

**NOTES**

REMOVE EXIST. BEACH COBBLE FROM AREA OF NEW A.C. PAVING

0+00  
PK NAIL 1 (CENTER OF AIR TARGET)

0+05  
BEGIN EXISTING CONCRETE CURB - START REMOVE CONC. CURB & START OF AC PULVERIZE

0+50  
END OF EXISTING CONCRETE CURB - END REMOVE CONC. CURB

0+55  
DAMAGED ASPHALT EDGE

1+20  
UTILITY PROTECT IN PLACE

1+80  
PK NAIL 2 - REMOVE BROKEN CONC. CURB SECTION

2+30  
PK NAIL 3 - END OF AC PULVERIZE

REVISED  
MAY 16 2002  
CARTER



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

SHEET TITLE: DEMOLITION

PROJECT SITE: CARDIFF STATE BEACH

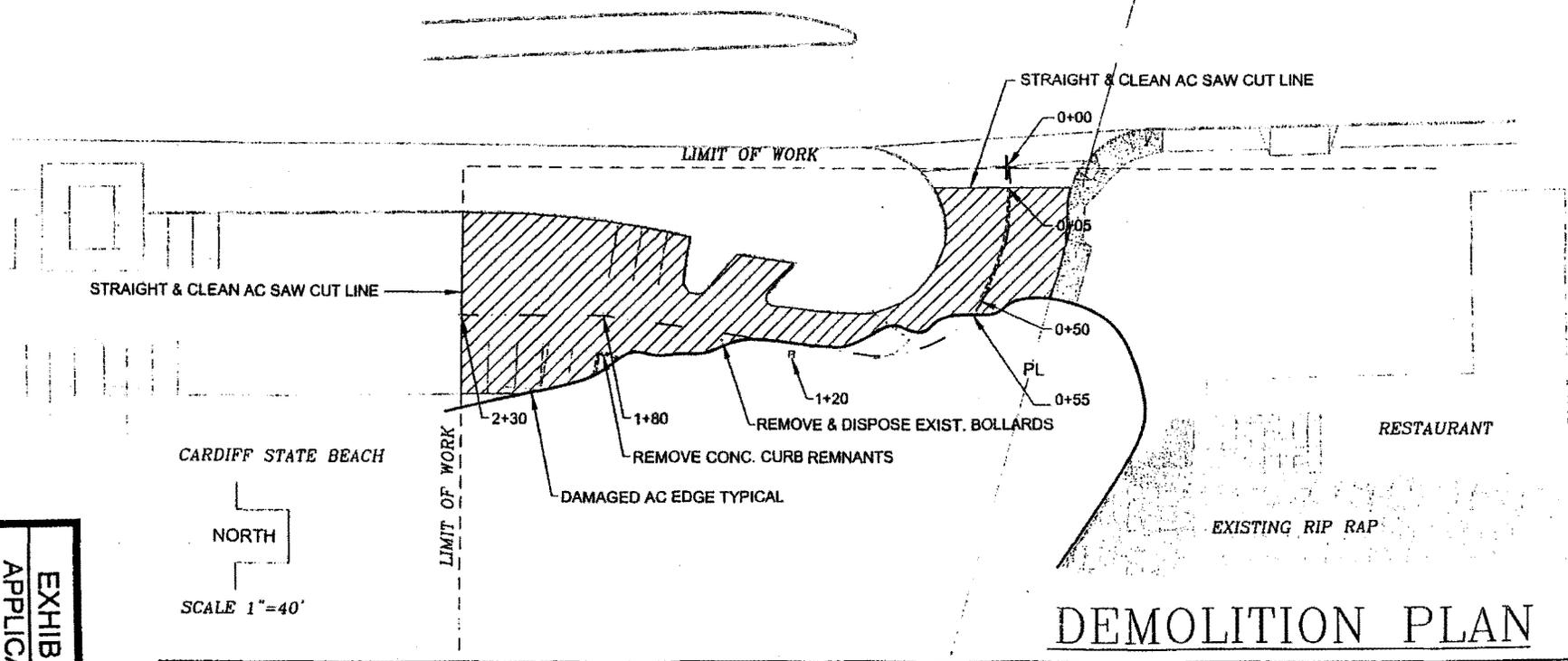
REVISIONS

DESIGNED  
DRAWN  
CHECKED

DATE  
SCALE PROJECT N  
935-621-01

L-3

SHEET 2 OF



**DEMOLITION PLAN**

California Coastal Commission

Demolition Plan

APPLICATION NO. 6-02-023

EXHIBIT NO.

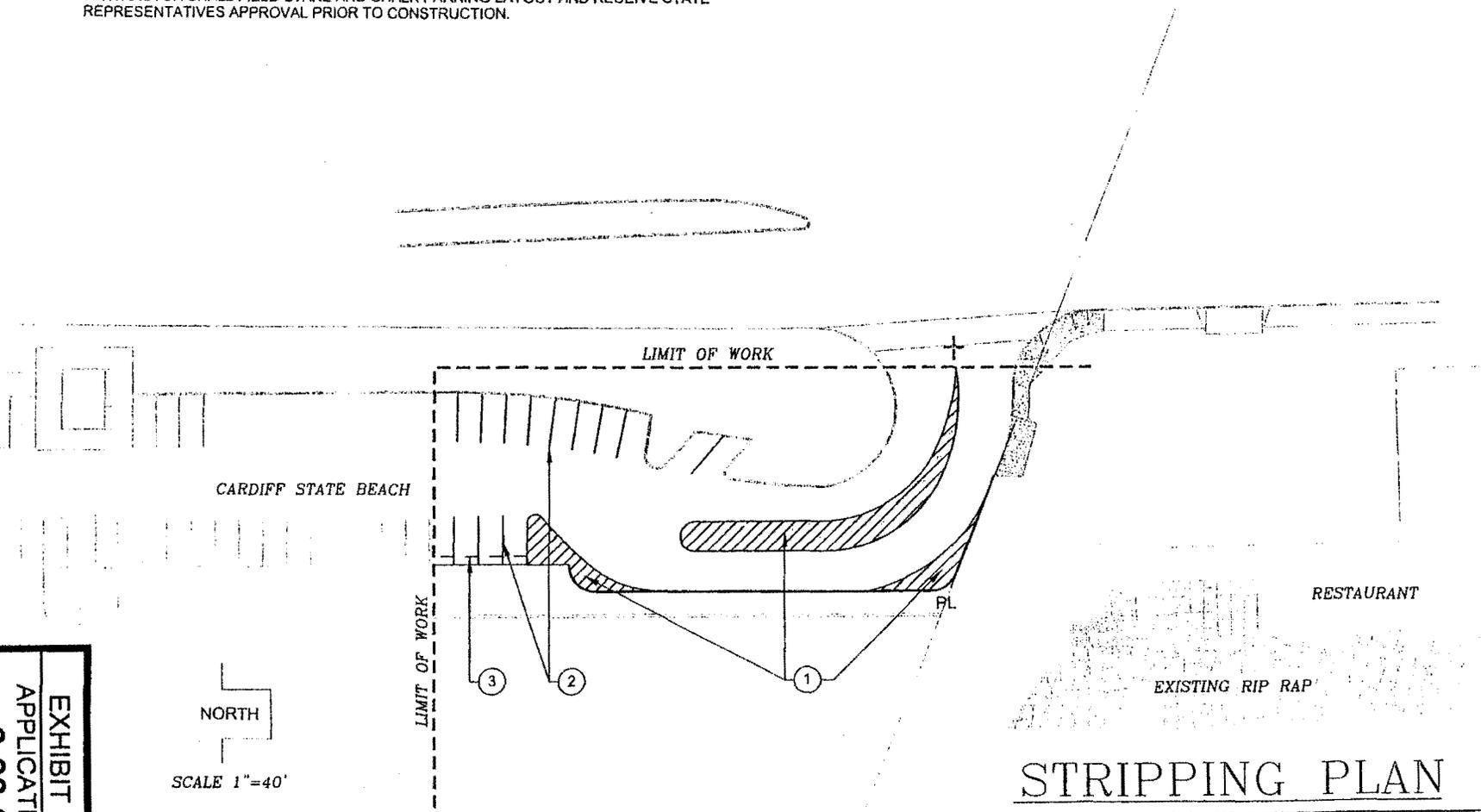


MAY 16 2017

### NOTES:

- NEW CONCRETE CURB SHALL BE FORMED AND POURED WITH A SMOOTH CURVE TRANSITION.
- REFER TO CALTRANS STANDARD PLANS, SEC. 39, FOR A.C. OVERLAY CONSTRUCTION & INSTALLATION.
- VERIFY ALL PAVING CONSTRUCTION W/ STATE REPRESENTATIVE PRIOR TO CONDUCTING ANY CONSTRUCTION WORK.
- PAINT NEW 4" SOLID YELLOW ROADWAY (WARNING) DELINEATION STRIPE AS SHOWN PER THE PLANS.
- PAINT NEW 4" SOLID WHITE PARKING DELINEATION AS SHOWN PER THE PLANS.
- PARKING STALLS TO BE MIN. 9' WIDE BY 18' DEEP TYPICAL.
- PARKING STALL STRIPPING TO BE PAINTED WHITE, WARNING STRIPPING TO BE PAINTED YELLOW.
- CONTRACTOR SHALL FIELD STAKE AND CHALK PARKING LAYOUT AND RECEIVE STATE REPRESENTATIVES APPROVAL PRIOR TO CONSTRUCTION.

- ① PAINT WARNING AREA, SEE NOTES
- ② REPAINT PARKING SPACES TO MATCH EXISTING, SEE NOTES
- ③ INSTALL NEW PARKING BUMPER SEE DETAIL 'D' SHEET L-6



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

APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

SHEET TITLE:  
**STRIPPING PLAN**

PROJECT SITE:  
**CARDIFF STATE BEACH**  
NORTH DAY-USE PARKING LOT REPAIRS

DESIGNED: XAX  
DRAWN: XAX  
CHECKED: XAX

DATE: XAX/XAX  
SCALE: AS SHOWN

PROJECT NO.  
935-621-01

**L-5**

SHEET 1 OF 1

California Coastal Commission

EXHIBIT NO. 3

APPLICATION NO. 6-00-023

Striping Plan

