

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

**RECORD PACKET COPY**

Filed: March 11, 2002  
49<sup>th</sup> Day: April 29, 2002  
180<sup>th</sup> Day: September 2002  
Staff: ALB/LB **ALB**  
Staff Report: June 20, 2002  
Hearing Date: July 9-12, 2002  
Commission Action:

**Item M 9c****STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-02-075

**APPLICANT:** City of San Clemente

**AGENT:** Dennis Roger Reed, Beaches and Parks Manager

**PROJECT LOCATION:** Along the beach south of the T-Street overpass and seaward of OCTA railroad tracks, San Clemente, Orange County

**PROJECT DESCRIPTION:** Repair of a 310' long by 14' wide segment of beach access road and replacement of 200' of security fencing adjacent to the OCFA railroad tracks damaged during the 1998 El Niño storm season. Approximately 210 cubic yards of compacted decomposed granite will be used to repair the road.

**LOCAL APPROVAL RECEIVED:** Approval-in-Concept from the Department of Community Development of the City of San Clemente dated March 7, 2002.

**SUBSTANTIVE FILE DOCUMENTS:** City of San Clemente Certified Land Use Plan (LUP), *Geotechnical Recommendations for Repair of 310± ft. Long Vehicle Access Roadway Portion North of Restroom Building and South of Pedestrian Overpass at "T" Street Beach, City of San Clemente, California* prepared by Peter and Associates dated October 19, 2001, and Coastal Development Permits 5-01-301, 5-01-147 and 5-00-333.

**SUMMARY OF STAFF RECOMMENDATION:**

The City of San Clemente is proposing to repair a damaged portion of a maintenance vehicle and pedestrian access road and re-install security fencing located between the first public road and the sea, directly seaward of the OCTA railroad tracks. The major issues addressed in the staff report involve potential hazard from wave uprush, water quality and public access.

Staff recommends the Commission **APPROVE** the proposed development with three (3) special conditions which require 1) use of construction best management practices (BMPs); 2) the debris disposal site to be located outside the coastal zone; and 3) timing of construction to be outside of the peak beach use season. At the time of this staff report, the applicant is in agreement with the staff recommendation and special conditions.

**LIST OF EXHIBITS:**

1. Vicinity Map
2. Coastal Access Points
3. Project Plan
4. Correspondence from City dated May 23, 2002

**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. 5-02-075 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 **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**

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. 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 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 activities 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. 2.

2. 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.

3. 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.

#### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

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

###### **Project Location**

The proposed project site is located on the sandy beach, seaward of the OCTA railroad tracks and immediately downcoast of the T-Street accessway in the City of San Clemente, Orange County (Exhibit 1). The T-Street accessway is a pedestrian railroad overpass leading to the beach from an on-street metered parking area located on the bluff above at Paseo de Cristobal (Exhibit 2).

###### **Project Description**

The City is proposing to repair a 310' long by 14' wide segment of a beach access road and replace 200 linear feet of security fencing that was damaged during the 1998 El Niño storm season (Exhibit 3). Fencing will be composed of a 5' high fabric and post design, consistent with existing fencing running along the railroad tracks in the subject area. The purpose of the fencing is to prevent uncontrolled railroad crossing. Approximately 210 cubic yards of compacted decomposed granite (DG) will be used to repair the previously existing clay road. Minor grading will be necessary for site preparation. The DG will be compacted to 95% relative compaction. The final thickness of the compacted roadway will be 18 inches minimum, as recommended by the geotechnical consultant.

Prior to the damage occurring in 1998, the road ran from the Marine Safety Building at 620 Avenida Del Mar (just upcoast of the Pier) to the South T-Street restroom. The road served as a pedestrian access as well as a maintenance vehicle access to the South T-Street restroom. Many beach-goers used the compacted surface for walking and jogging purposes. Since the damage, this portion of the road no longer supports vehicles. Pedestrians may still utilize the sandy surface for lateral access. After repairs are complete, the road will be used for both maintenance and lifeguard vehicle access and pedestrian access.

###### **Construction**

The applicant anticipates construction to occur over an approximately 1-2 week period in the off-peak beach use season. According to the applicant, a bobtail truck will carry the material to the site and a track loader will be used to grade and compact the material. Equipment will be stored near the Marine Safety building overnight during the project. Construction material will also be stored offsite. The City removed damaged roadway and fencing material at the time of storm damage in 1998. Any remaining debris resulting from the proposed project will be immediately removed from the beach area and properly disposed of at a site outside the coastal zone.

##### **B. Hazards**

The proposed repair project involves development on the sandy beach directly seaward of the OCTA railroad tracks. Seasonally, the mean high tide line (MHTL) is located five to ten feet seaward of the project site. According to the applicant, the road could be susceptible to wave attack in a high storm surf, high tide situation, as it was in 1998. However, as stated in their letter of February 28, 2002, the applicant does not propose to protect the road or fence with any type of structural device (Exhibit 4).

The extent of the proposed repairs, including replacement of the roadway section and fencing, 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.”*

In this case, the reconstructed road is an essential public facility that facilitates lifeguard service, maintenance of the restroom facility and provides public access. The fencing serves a public safety purpose by restricting uncontrolled pedestrian railroad crossing. The roadway and fencing must be replaced in their previous location to adequately serve their purpose. As stated previously, the MHTL is approximately five to ten feet seaward of the project site. The City acknowledges that the site is subject to wave attack, but asserts that the City's intent is *“not to protect the road with any type of structural device, but simply to reinstate the surface of the roadway in order to allow lifeguard and maintenance vehicles the same type of access they were provided prior to 1998.”* In addition, the City's consultant states that the proposed DG is *“much stronger than the existing clay/silt for roadway construction.”* As such, the repaired portion of the road will be more resistant to erosion than the existing road.

The proposed repairs will not place the road or the fencing at greater risk from wave attack than presently exists. In fact, the material used for the road repair will be less susceptible than the existing road material, thereby lessening the risk of potential damage from wave attack. Based on the fact that the access road is a necessary public amenity and the probability of significant 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.*

As described previously, the project involves repair of a beach access road and fencing located on the sandy beach. 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.

The applicant states that BMP measures will be taken to ensure that soil and debris do not enter coastal waters. In order to ensure implementation of the proposed construction-related BMPs and to prevent adverse impacts to water quality and marine waters from construction activities, the Commission is imposing Special Conditions 1 and 2. These conditions provide for the safe storage of construction materials and the disposal of demolition end-products.

Only as conditioned for appropriate construction practices and debris disposal 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, the proposed project site is located within a public recreation area between the first public road and the sea. Access to the shoreline in the area of the proposed project is currently available via the T-Street accessway. The T-Street accessway is a railroad overpass that is identified as one of the City's five primary beach access points in the certified LUP. Public facilities on the beach at T-Street include restroom, showers, fire pits and picnic tables.

As described previously, the proposed project consists of road repair and fence replacement that provide a public service for the benefit of residents and visitors. The 14' wide road provides maintenance and lifeguard vehicle access, as well as pedestrian access. The fence protects the general public from unsafe railroad crossing. Safe vertical access to the beach is available via the T-Street railroad overpass. 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 after the 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. 3. This special condition requires construction to occur prior to the Memorial Day weekend and/or following the Labor Day weekend. Only as conditioned for off-peak construction timing does the Commission find the proposed development consistent with the public access policies of the Coastal Act.

**E. Local Coastal Program**

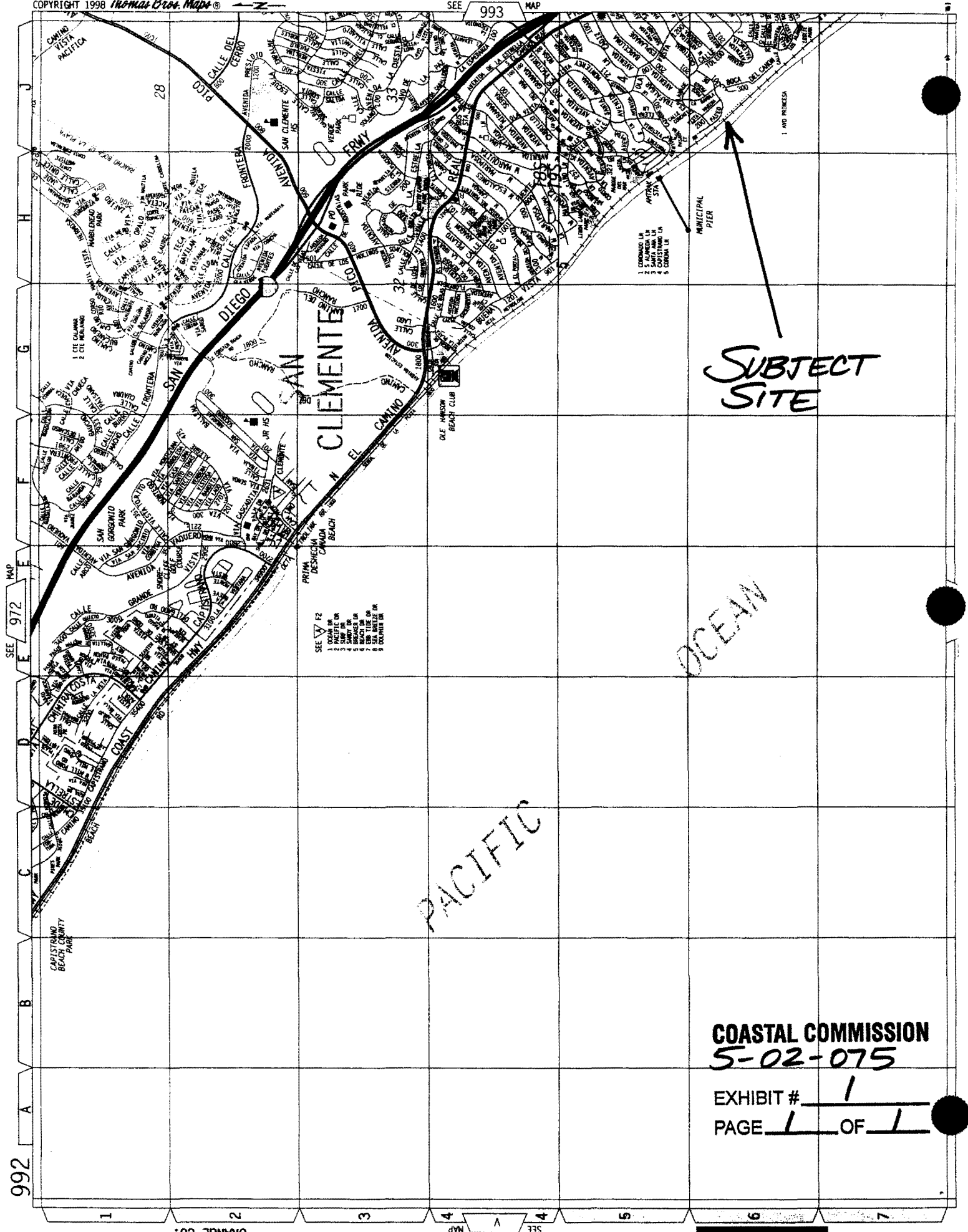
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The Commission certified 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) use of construction best management practices (BMPs); 2) the debris disposal site to be located outside the coastal zone; and 3) 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 SITE**

OCEAN

PACIFIC

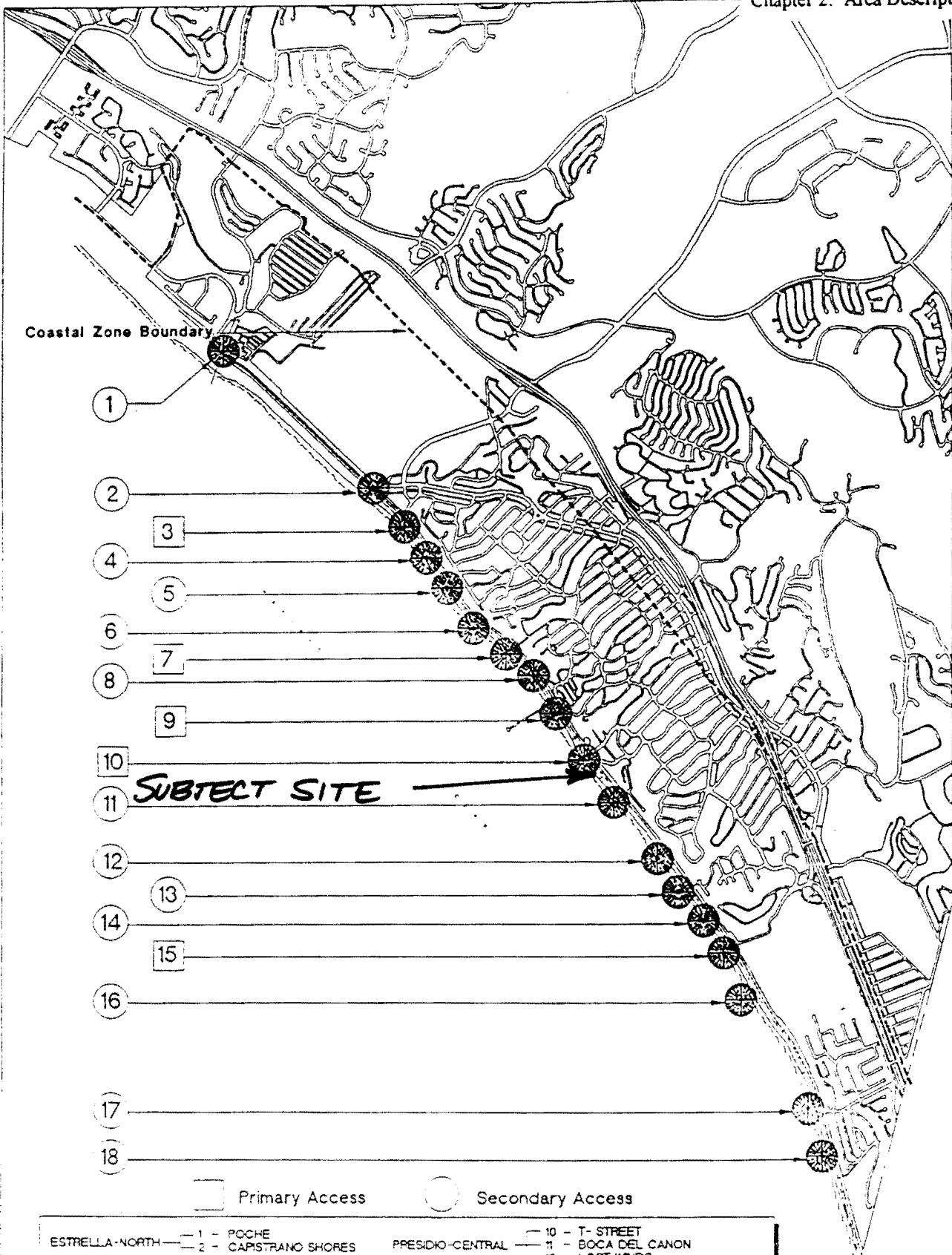
**COASTAL COMMISSION**  
**5-02-075**

EXHIBIT # 1  
PAGE 1 OF 1

SEE 972 MAP

992





Coastal Zone Boundary

1

2

3

4

5

6

7

8

9

10

11 **SUBJECT SITE**

12

13

14

15

16

17

18

□ Primary Access

○ Secondary Access

ESTRELLA-NORTH	1 - POCHE	PRESIDIO-CENTRAL	10 - T-STREET
	2 - CAPISTRANO SHORES		11 - BOCA DEL CANON
	3 - NORTH BEACH		12 - LOST WINDS
PICO-PALIZADA	4 - DUJE COURT		13 - RIVERA
	5 - EL PORTAL		14 - MONTALVO
	6 - MAIPOSA		15 - AVE. CALAFIA
	7 - LINDA LANE PARK	CALAFIA-SOUTH	16 - SAN CLEMENTE STATE PARK
PRESIDIO-CENTRAL	8 - CORTO LANE		17 - AVE. DE LAS PALMERAS
	9 - MUNICIPAL PIER		18 - CALLE ARIANA

**COASTAL COMMISSION**  
**5-02-075**

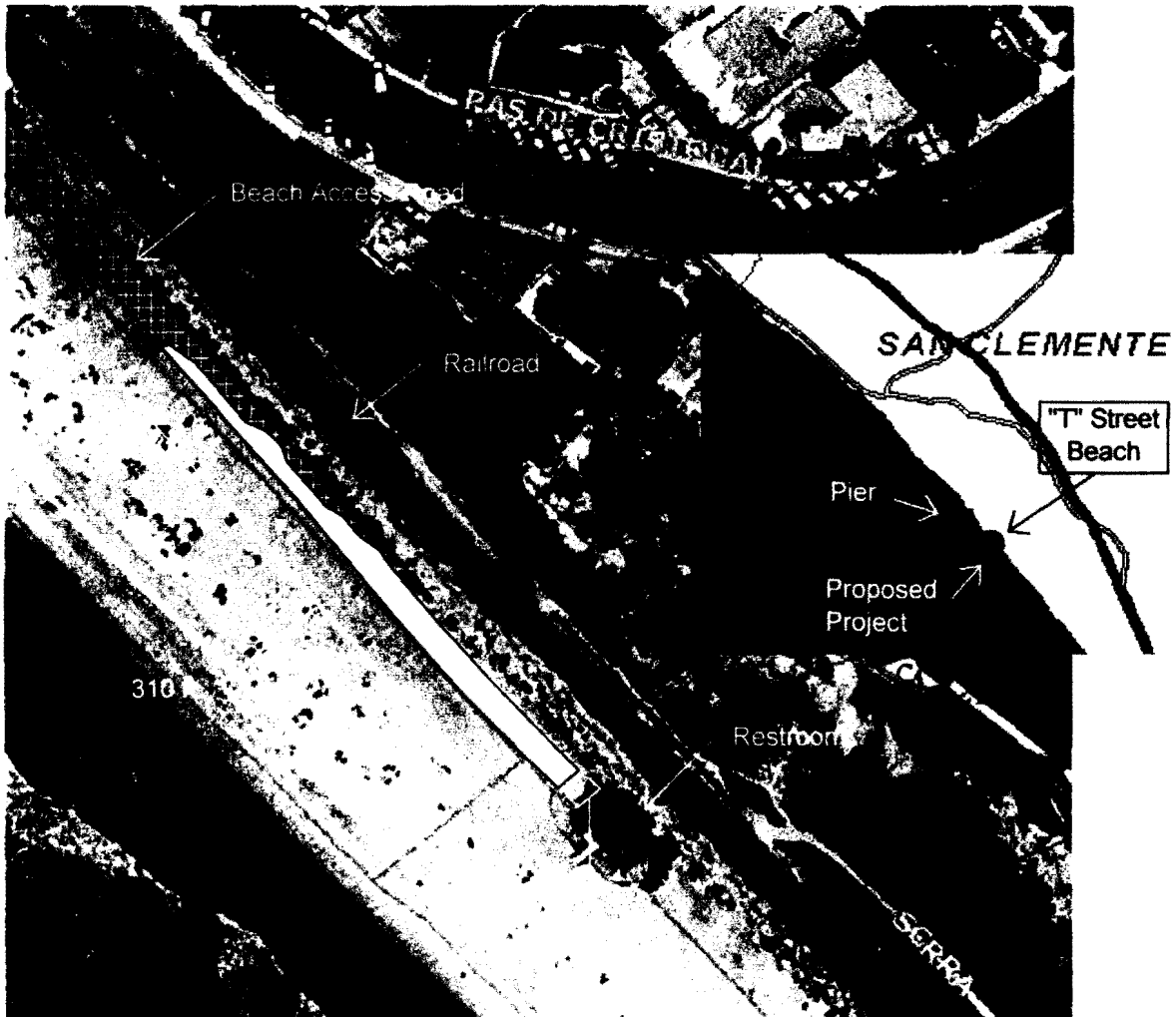
EXHIBIT # 2  
 PAGE 1 OF 1

FIGURE 2-5



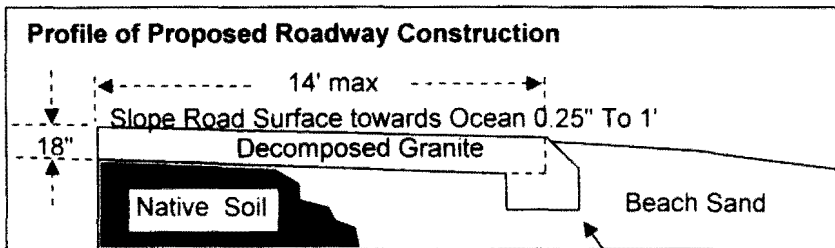
# "T" Street Beach Access Repair - Aerial View & Dimensions of Proposed Repair Material

Aerial Scale: 1" = 100'



□ 3,000 sq. ft. - Proposed area for placement of decomposed granite to repair beach access road. Repair requires 210 cubic yards of compacted material.

▣ Existing beach access road (undamaged).



**COASTAL COMMISSION**

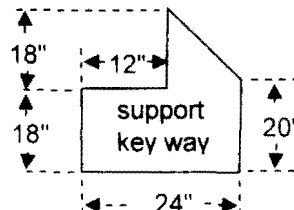
**5-02-075**

EXHIBIT # 3

PAGE 1 OF 1



Submitted by: The City of San Clemente,  
Beaches & Parks Maintenance Division  
02/22/02 MMorgan



RECEIVED  
San Clemente Coast R...

2/27/02

COASTAL COMMISSION  
5-02-075



# City of San Clemente Beaches & Park Maintenance

Dennis Roger Reed, Beaches & Parks Manager

Phone: (949) 361-8278 Fax: (949) 361-8340

ReedD@San-Clemente.org

**RECEIVED**  
South Coast Region

MAY 30 2002

May 23, 2002

California Coastal Commission  
Attn. Anne Blemker  
200 OceanGate, 10th floor, Ste 1000  
Long Beach, CA 90802-4416

CALIFORNIA  
COASTAL COMMISSION

Re: Repair of T-Street Road

Dear Anne:

As per our recent email conversation, it is the intention of the City of San Clemente's Beaches, Parks & Recreation Department to re-instate the access road just south of the "T-Street Beach Overpass" on the beach. This access road was washed away in several high storm surf, high tide incidences in the winter of 1998. It is the intention of Beaches, Parks & Recreation to place decomposed granite in the area, and compact it.

Since the tide line can be within five to ten feet seaward of this roadway seasonally, the road could be susceptible to wave attack in a similar situation to what occurred in 1998. Our intent is not to protect the road with any type of structural device, but simply to reinstate the surface of the roadway in order to allow lifeguard and maintenance vehicles the same type of access they were provided prior to 1998.

Sincerely,

Dennis-Roger Reed  
Beaches & Parks Manager

s:\community center-coastal commission permit materials t-street road and fencing repair cc letter regarding protection 5 28 02.doc

**COASTAL COMMISSION**

5-02-075

EXHIBIT # 4

PAGE 1 OF 1

