

CALIFORNIA COASTAL COMMISSION

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Filed: May 12, 2003
 49th Day: June 30, 2003
 180th Day: November 8, 2003
 Staff: ALB-LE *ALB*
 Staff Report: June 19, 2003
 Hearing Date: July 9-11, 2003
 Commission Action:

W4d**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-03-113 **RECORD PACKET COPY**

APPLICANT: City of San Clemente and California State Parks

AGENT: Dennis Roger Reed, City of San Clemente

PROJECT LOCATION: Calafia Beach Park, City of San Clemente
 Orange County

PROJECT DESCRIPTION: Installation of an interim pedestrian access across the rip-rap at Calafia Beach Park

LOCAL APPROVALS RECEIVED: San Clemente Parks and Recreation Committee approval August 13, 2002, San Clemente Planning Division Approval in Concept dated March 20, 2003 and San Clemente City Council approval on April 15, 2003

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan (LUP)

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending the Commission **APPROVE** the proposed project with eight (8) special conditions requiring 1) an agreement to assume the risk associated with development at the site; 2) an agreement not to construct a future shoreline protective device should one be needed to protect the stairway; 3) an agreement that future development be reviewed by the Commission; 4) submittal of a monitoring and maintenance schedule; 5) compliance with construction-related best management practices (BMPs); 6) proper disposal of construction debris; 7) maintenance of public access during construction; and 8) evidence of State Lands Commission approval. The primary issues associated with this development are hazards, public access and water quality.

LIST OF EXHIBITS:

1. Location Map and Site Plan
2. Photo of Project Site
3. Project Plans

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. 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. Assumption of Risk, Waiver of Liability and Indemnity

- A. By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from flooding, wave uprush and boulder placement and/or movement; (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 landowner 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 applicants 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 applicants agree, on behalf of themselves and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-03-113 in the event that the development is threatened with damage or destruction from boulder placement, waves, erosion, storm conditions or other hazards in the future. By acceptance of this permit, the applicants hereby waive, on behalf of themselves 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 applicants further agree, on behalf of themselves and all successors and assigns, that the applicants shall remove the development authorized by this permit, including the stairway structure, structural supports, and concrete, if any government agency has ordered that the structure is not to be utilized 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 applicants 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.

- B. Prior to any conveyance of the property that is the subject of this coastal development permit, the landowner 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 applicants 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. Future Improvements

This coastal development permit (5-03-113) is only for construction of an interim access improvement at Calafia Beach Park, as expressly described and conditioned herein. Any non-exempt future improvements or development, including but not limited to the construction of a formal access improvement associated with implementation of the Coastal Trail project, shall be submitted for Commission review and shall not commence unless Commission approval is granted. New development, unless exempt, shall require an amendment to this permit or a new coastal development permit from the Coastal Commission or its successor agency.

4. Monitoring and Maintenance

- A. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, a Maintenance and Monitoring Plan for the interim stairway structure that demonstrates that the structure is inspected and maintained to prevent unsafe access conditions and to ensure that damaged portions of the stairway do not enter the beach. The plan shall include, at a minimum, the following items:
 - 1. A schedule for inspection of the stairway structure by a qualified professional. In addition to periodic inspection, the inspection shall occur after high surf and/or railroad armoring activities.
 - 2. A contingency plan for debris removal in case of stairway destruction. The plan shall be consistent with Special Condition 2 of this permit.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. 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. 6.

6. 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.

7. Maintenance of Public Access

The construction activities authorized pursuant to Coastal Development Permit No. 5-03-113 shall minimize impacts to public access to Calafia Beach during the peak use 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.

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall submit, for review and approval by the Executive Director, a Public Access Maintenance Plan, which shall be in effect during the peak use season. The Plan shall incorporate the following provisions:

- (a) Construction staging areas and contractor parking shall not displace public beach and recreational parking at the Calafia parking lot. Staging and parking for the proposed project shall be located within existing developed or non-native, ornamentally landscaped areas. No equipment, materials or vehicles shall be

stored on the beach. A map shall be included that depicts staging and parking areas for the proposed construction activities.

- (b) Work shall be limited to Monday through Thursday of any given week.

8. State Lands Commission Approval

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall obtain a written determination from the State Lands Commission that:

- (a) No State lands are involved in the development; or
- (b) State lands may be involved in the development and all permits required by the State Lands Commission have been obtained; or
- (c) State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to that determination.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The project site is located at the inlandmost extent of the beach at Calafia Beach Park in the City of San Clemente, Orange County (Exhibit 1). Specifically, the site is located within an Orange County Transportation Authority (OCTA) railroad right-of-way between a State Beach and Calafia Beach Park, a park maintained by the City of San Clemente, developed by the County of Orange and located on State property. The City and State Parks are co-applicants in the current application.

The applicants propose to construct an interim access improvement to enable pedestrians to cross the riprap located immediately seaward of the railroad tracks (Exhibit 2). The proposed stairway will serve as a temporary accessway until a more permanent one can be constructed as part of the City's "Coastal Trail" project. Currently in the planning and entitlement stages, the Coastal Trail will provide a multi-use trail adjacent to the OCTA right-of-way, which will extend almost the entire length of the City. Formal railroad crossings are proposed as part of the Coastal Trail. However, if approved, the Coastal Trail project will not be implemented for at least three to five years. As such, the City and State Parks propose an interim access solution to a hazardous railroad/riprap crossing situation.

The proposed interim crossing design has been reviewed and approved by OCTA, Southern California Regional Rail Authority (SCRRA), Metrolink and California State Parks. Approval from the California State Lands Commission is pending. Evidence of State Lands Commission review must be provided prior to permit issuance.

The proposed stairway system will be anchored in concrete between existing riprap boulders (Exhibit 3). No boulders will be moved to accommodate the proposed development. Suitable

crevices and voids between the boulders will be utilized to install supports as anchor locations for the platforms and stairs. Concrete will be poured into the voids and rebar legs will be welded to the base of metal bucket braces. According to the applicants, rebar is "*flexible enough to bend/adapt to the irregular gaps between the boulders.*" Sand forms will be utilized to control the shape of concrete footings and to minimize the amount of concrete used. The proposed platforms and stairs will be constructed of treated lumber. Platform decking will be constructed of durable composite materials, such as recycled lumber. Stairs and landings will vary in width from 24 inches at the railroad level to 7 feet at the beach level. Widths will be determined by the space available to navigate between the boulders. The stairway system will descend approximately 10 feet from the railroad elevation to beach level. The subterranean steps will be located immediately inland of the mean high water line. Subterranean steps will be provided to accommodate the varying sand level throughout the year.

Due to its location on the beach, the stairway structure will be subject to wave attack. In addition, the shifting of boulders or the placement of new boulders by OCTA to protect the railroad track could damage the structure. As such, the structure must be regularly monitored to determine its functionality and safety. A schedule for monitoring and routine maintenance must be reviewed and approved by the Executive Director. The applicants must assume the risk of development in a potentially hazardous location and agree not to construct a protective device to protect the interim accessway. If damaged to the point of presenting a hazard or causing debris to enter the beach, the applicants will be required to remove the structure and any associated debris.

Public access to the beach will not be adversely affected by the proposed project. Construction activities will impact a small segment of the railroad crossing area. An extensive length of alternative crossing area will remain available. In addition, if construction occurs during the peak beach use season, defined as Memorial Day weekend through Labor Day weekend, a public access maintenance plan will go into affect. The public access plan restricts work from occurring Friday through Sunday, when beach use is highest. The plan also ensures that staging of equipment and material will not displace public beach and recreational parking at the Calafia parking lot. After construction, the stairway will improve the public's ability to access the coast.

B. HAZARDS

Development adjacent to the ocean is inherently hazardous. Development that may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the development has been conditioned to: prohibit construction of protective devices (such as a seawall) in the future; require that the landowner and any successor-in-interest assume the risk of undertaking the development; and require the applicants to come back to the Commission for any future work to the structure. As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

C. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. HABITAT, RECREATION AND PARK IMPACTS

The development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms to Section 30240(b) of the Coastal Act.

E. WATER QUALITY

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms to Sections 30230 and 32031 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

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. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

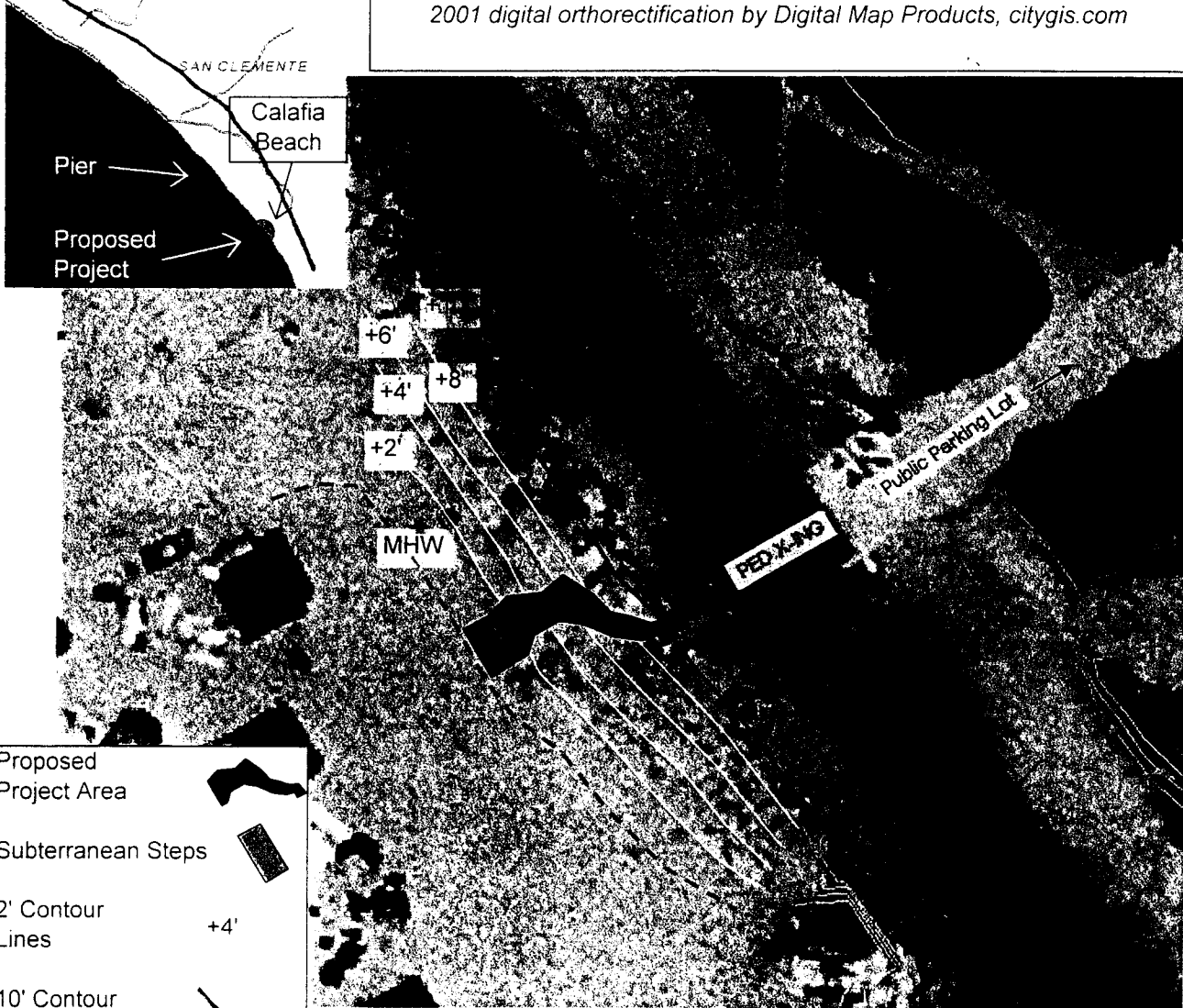
G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

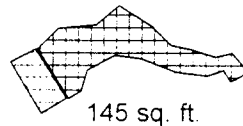
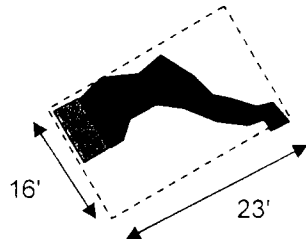
SAN JUAN CAPISTRANO

Aerial View of Proposed Calafia Beach Access - Proposed Project Area in Relation to Mean High Water Using 2' & 10' Topographic Contours

2001 digital orthorectification by Digital Map Products, citygis.com



- Proposed Project Area
- Subterranean Steps
- 2' Contour Lines +4'
- 10' Contour Lines +10'
- Mean High Water



Access steps and landings vary in width to avoid boulder movement during construction. Width of access varies from 24 inches at the top, to 7 feet at the bottom. Narrow sections are necessary to squeeze around boulders.



Submitted by: The City of San Clemente,
Beaches & Parks Maintenance Division
01/28/03 Mmorgan, Photo Scale 1" = 20"

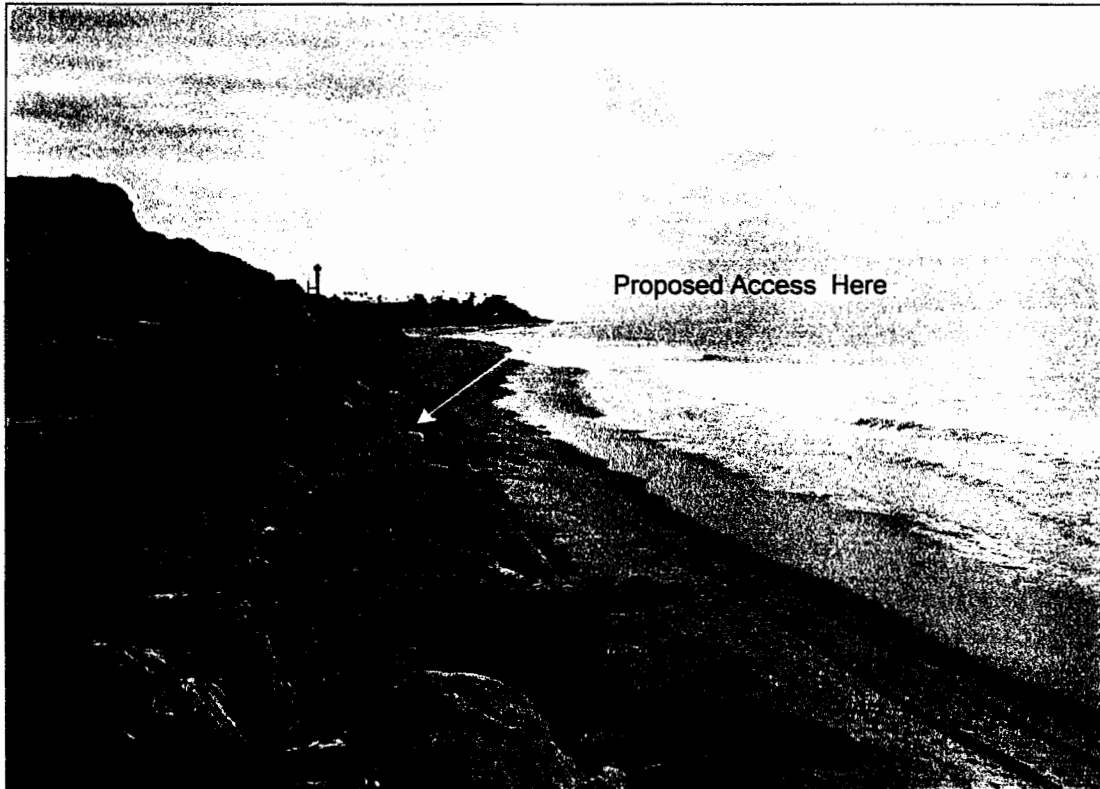
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EXHIBIT # 1

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Current Photo of Proposed location - Calafia Beach
Access. Photo taken February 7, 2003



Tide chart for Feb. 7, 2003

High Tide was at 12:40am at 4.1'
Low Tide was at 7:00am at 1.8'
High Tide was at 12:22pm at 3.2'
Low Tide is at 6:27pm at 1.5'



Submitted by: The City of San Clemente,
Beaches & Parks Maintenance Division
02/07/03 Mmorgan

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EXHIBIT # 2

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Elevation of Proposed Calafia Beach Access
(height of stairs including landings)



Subterranean steps. The grade of the beach changes frequently. The proposed design includes a section of steps which appears below grade in the photo rendering above.



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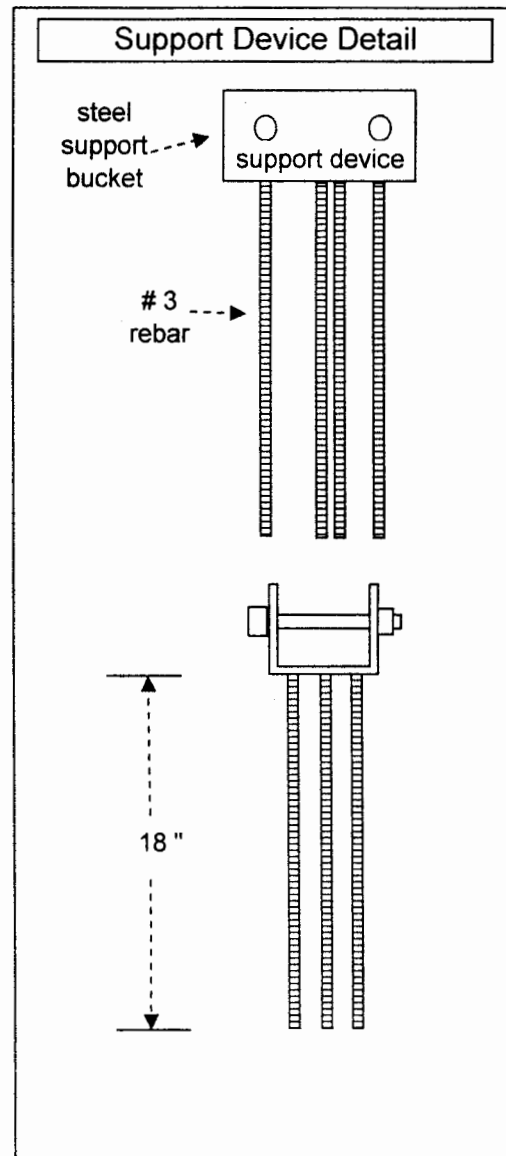
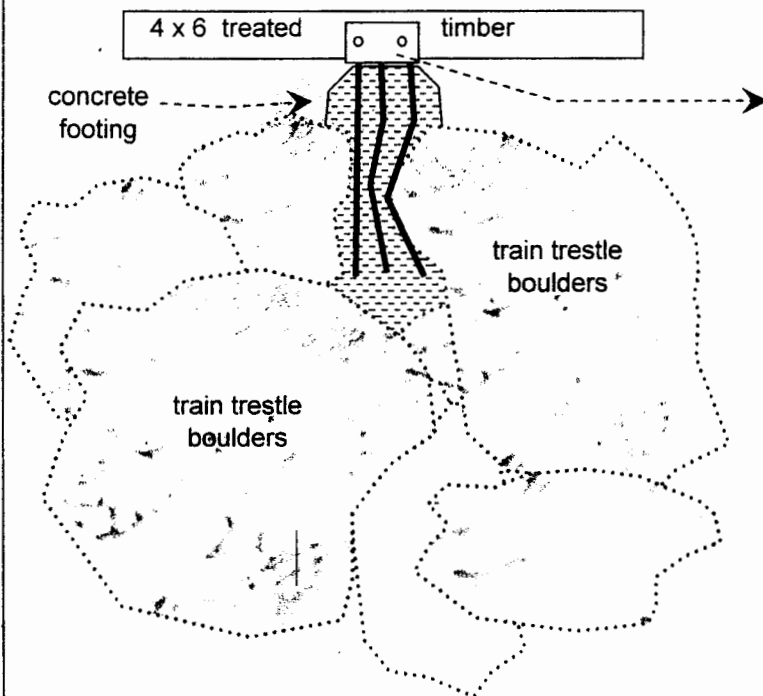
EXHIBIT # 3

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Proposed Construction of Calafia Beach Access

Footing Support Detail

Proposed method of anchoring & supporting a stair structure over railroad boulders



Suitable crevices and voids between the boulders can be utilized to install supports as anchor locations to attach platforms and stairs. The device illustrated here is anchored with 4500 psi concrete. # 3 rebar legs are welded to the base of the metal bucket braces. Rebar is flexible enough to bend/adapt to the irregular gaps between the large and small boulders. Attached platforms and stairs shall be constructed of treated lumber and platform decking shall be constructed of durable composite materials such as recycled plastic lumber.

Sand forms will be utilized to control shape of concrete footings and to minimize quantity of concrete.

While not moving any boulders, this is the least invasive method of construction compared to formed concrete steps or concrete slurry walking surface.

morganm 10/02/2002
City of San Clemente

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EXHIBIT # 3

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