

**CALIFORNIA COASTAL COMMISSION**

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



Filed: May 28, 2004  
49th Day: July 16, 2004  
180th Day: November 24, 2004  
Time Extension: February 22, 2005  
Staff: KFS-LB  
Staff Report: December 16, 2004  
Hearing Date: January 12-14, 2005  
Commission Action:

**Th5b RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-04-209

**APPLICANTS:** California Department of Parks and Recreation

**AGENT:** Rich Rozzelle, California Department of Parks and Recreation

**PROJECT LOCATION:** Along the shoreline within the OCTA right-of-way from the Calafia parking lot to the existing pedestrian railroad underpass (approx. ¼ mile) within San Clemente State Beach, San Clemente, Orange County

**PROJECT DESCRIPTION:** Construction of a multi-use trail consisting of lateral access improvements, including barriers to prevent unauthorized railroad crossings, native landscaping and replacement of culverts located along the shoreline on the inland side of the Orange County Transportation Authority (OCTA) railroad right-of-way.

**OTHER APPROVALS RECEIVED:** Class 3 Section 15303 Categorical Exemption from CEQA; City of San Clemente letter of support dated September 9, 2004.

**SUMMARY OF STAFF RECOMMENDATION:**

The applicant proposes construction of a multi-use trail along a segment of the shoreline within San Clemente State Beach. The project involves the creation of a trail using natural materials and proposes to install fencing/barriers along the railroad right-of-way to limit informal access across the railroad tracks that may be currently available. The major issues of this staff report include public access and recreation, preservation of scenic resources, and water quality.

Staff recommends **APPROVAL** of the proposed development subject to eleven (11) special conditions which require 1) evidence of approval(s) by other State and local agencies; 2) evidence of approval by USACOE; 3) submittal of final sign plan; 4) monitoring and maintenance of access improvements; 5) future improvements come back to the Commission for review; 6) maintenance of public access during construction; 7) assumption of risk; 8) no future protective device or enhancement of existing protective device; 9) wetlands avoidance; 10) construction best management practices; and 11) debris disposal at an appropriate site.

The proposed project is designed to connect with and ultimately extend the total length of the coastal trail project proposed by the City of San Clemente and recently approved by the Commission (see CDP 5-03-322). Unlike the City's project, the proposed project does not include any new railroad crossings. Rather, the trail would link two existing, formal railroad crossings. Furthermore, since there are no crossings proposed, the applicant has indicated that no approval from the California Public Utilities Commission is necessary.

**SUBSTANTIVE FILE DOCUMENTS:**

City of San Clemente Certified Land Use Plan (LUP); Biological analysis by David Pryor, Resource Ecologist in letter dated July 28, 2004.

**STAFF RECOMMENDATION:**

Staff recommends that the Commission **APPROVE** the permit application with special conditions, pursuant to the following recommendation.

**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 OF APPROVAL:**

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 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**

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. Approval by State and Local Agencies:

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide to the Executive Director a copy of permits issued by the Orange County Transportation Authority, Regional Water Quality Control Board, State Lands Commission, CA Department of Fish and Game, and the County of Orange authorizing this project, or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the above-referenced agencies. Such changes shall not be incorporated into the project until the applicants obtain a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

2. Approval by USACOE

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide to the Executive Director a copy of a permit issued by the US Army Corps of Engineers (USACOE) or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the USACOE. Such changes shall not be incorporated into the project until the applicants obtain a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

3. Submittal of Final Sign Plan

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final sign plan to the Executive Director for review and approval. The plan shall include signage that directs the public to the various public access and recreation opportunities within the project limits and declares the public's right to use such facilities. Signs shall invite and encourage public use of access opportunities and shall identify, provide information and direct the public to key locations. Key locations include, but are not limited to, public parking, parks, and visitor serving amenities. Signage shall include public facility identification monuments (e.g. vertical crossing name); facility identification/directional monuments (e.g. location of park amenities); interpretive signs, and safety signs. Signs shall also identify key habitat preservation areas, explain biology and other resource characteristics of the site, and identify restricted areas. The plan shall include the approximate siting of each sign, sign dimensions, and lettering dimensions.

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

4. **Monitoring and Maintenance**

- A. **PRIOR TO 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 lateral access improvements. The plan shall demonstrate that the trail is inspected and maintained to prevent unsafe access conditions and to ensure that any portions of the access improvements that may become damaged do not enter the beach. The plan shall also demonstrate that the barrier system along the lateral accessway provides effective safety controls and is functional throughout the life of the project. The plan shall include, at a minimum, the following items:
1. A schedule for inspection of the lateral access improvements by a qualified professional. In addition to periodic inspection, the inspection of the access improvements shall occur after high surf and/or railroad armoring activities.
  2. A contingency plan for debris removal in case of damage to access improvements.
  3. A contingency plan for immediate barrier system repair in case of damage. The plan shall include provisions for interim barriers while repairs are being undertaken.
- 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 legally required.

5. **Future Improvements**

This coastal development permit (5-04-209) is only for construction of lateral access improvements along the railroad corridor, as expressly described and conditioned herein. Any plans for non-exempt future improvements or development, including but not limited to the construction of crossings, additional fencing/barriers, lighting, and/or protective devices, 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.

6. **Maintenance of Public Access**

The construction activities authorized pursuant to Coastal Development Permit No. 5-04-209 shall not obstruct public access to San Clemente's beaches 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. In addition, the applicant shall comply with the following:

- 1) In the event that any vertical accessway to the beach is not open for public use during the "off" peak use season due to construction activities associated with the project, signage shall be posted on site identifying the nearest public accessway providing safe railroad crossing.

- 2) The staging area for construction of the project shall not obstruct vertical or lateral access.
- 3) Public parking areas shall not be used for staging or storage of equipment during the peak use season.
- 4) Lateral public access along the beach shall remain available year-round.

7. **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 applicants 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 the sale or transfer of any of the property or any interest in the property that is the subject of this permit, the owner(s) of the property being sold shall secure a letter from the buyer(s) (1) acknowledging (a) that the conditions imposed by this permit, as amended, run with the land, (b) that the use and/or development of the land is therefore restricted by the special conditions of this permit; and (2) agreeing that, prior to close of escrow on any further sale or transfer of any of the property or any interest in the property, that that buyer(s)-turned-seller(s) shall secure from its buyer(s) a letter to the same effect. A copy of such letter(s) shall be provided to the Executive Director, and the Planning Director of the City of San Clemente before close of escrow.
- 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.

8. **No Future Shoreline Protective Device**

- A(1). By acceptance of this Permit, the applicant agrees, on behalf of themselves and all other successors and assigns, that no new shoreline protective device(s) or enhancement of the existing protective device shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-04-209 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 lateral access improvements, if any government agency has ordered that the structures are 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 applicant shall be liable for removal of all recoverable debris associated with the development from the beach and ocean and lawful disposal of the material in an approved disposal site. Such removal shall require a coastal development permit.

B. Prior to the sale or transfer of any of the property or any interest in the property that is the subject of this permit, the owner(s) of the property being sold shall secure a letter from the buyer(s) (1) acknowledging (a) that the conditions imposed by this permit, as amended, run with the land, (b) that the use and/or development of the land is therefore restricted by the special conditions of this permit; and (2) agreeing that, prior to close of escrow on any further sale or transfer of any of the property or any interest in the property, that that buyer(s)-turned-seller(s) shall secure from its buyer(s) a letter to the same effect. A copy of such letter(s) shall be provided to the Executive Director, and the Planning Director of the City of San Clemente before close of escrow.

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.

9. **Avoidance of Drainages and Wetlands**

A. The applicant shall comply with the following drainage and wetlands avoidance requirements:

1. Any on-site drainages and wetlands shall not be impacted by the project. All plans and specifications for the project shall indicate that impacts to any drainages and wetlands shall be avoided and that no impact to drainages and wetlands is authorized by the California Coastal Commission.
2. A buffer shall be established between all work approved by this permit and any drainages and wetlands. Prior to commencement of any work approved by this permit, a temporary barrier or work area demarcation (such as but not limited to plastic mesh, solid wood or chain link fencing) shall be placed between the construction areas and the buffer protecting the drainages and wetlands. Barriers and other work area demarcations shall be inspected and approved by a qualified biologist. All temporary barriers, staking, fencing shall be removed upon completion of the proposed development.
3. Any inadvertent impacts to drainages or wetlands by the proposed development shall be reported to the Executive Director within 24 hours of occurrence and shall be mitigated. Such mitigation shall require an amendment to this permit or a new permit unless the Executive Director determines that no amendment or new permit is required.
4. No construction materials, debris, or waste shall be placed or stored where it may enter areas containing drainages or wetlands;
5. No equipment shall be staged or stored within any habitat area or within 100 feet of any drainages or wetlands;

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit site access, staging, work area and equipment storage plan(s) which conforms with the requirements of subsection A.1 through A.5. of

this special condition. The permittee shall undertake development in accordance with the approved final plan(s). Any proposed changes to the approved final plan(s) shall be reported to the Executive Director. No changes to the approved final plan(s) shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

10. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris**

The applicant 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 inlets must be protected with sandbags or berms, all stockpiles must be covered, and a pre-construction meeting should be held for all personnel 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. 11.

11. **Location of Debris Disposal Site**

The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. 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.

IV. **FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

A. **PROJECT LOCATION, DESCRIPTION AND BACKGROUND**

The California Department of Parks and Recreation is proposing to improve lateral beach access within the railroad corridor from the Calafia State Park parking lot to an existing railroad undercrossing within San Clemente State Beach in the City of San Clemente, Orange County

(Exhibit 1 & 2). The project will occur within a 100' wide OCTA right-of-way for a length of approximately ¼ mile. The project begins at the existing public parking lot at Calafia Street and terminates at the railroad undercrossing ¼ mile downcoast. The trail would have a linkage with the City of San Clemente's proposed 2.3 mile coastal trail that would extend northward of the currently proposed trail segment to North Beach within the northernmost portion of San Clemente. The railroad corridor is situated between the ocean and the toe of a coastal bluff system that extends the length of the City, as depicted below.

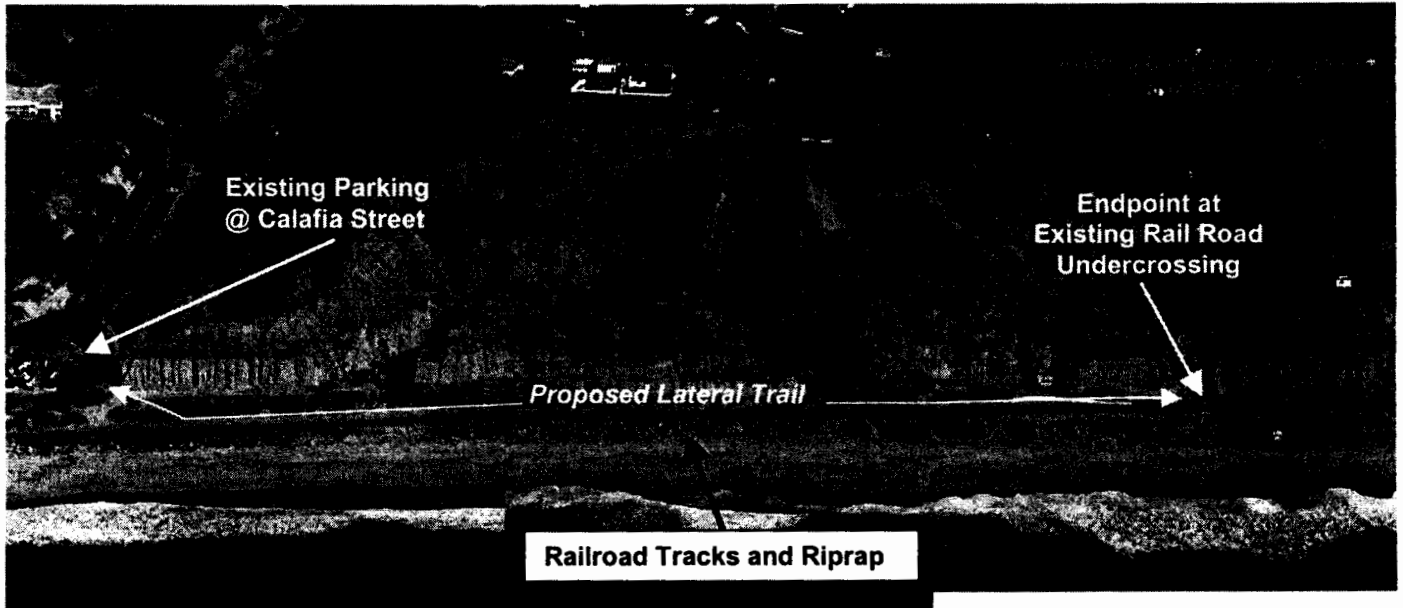


Image #s 8706 & 8708 taken October 30, 2002

Copyright (C) 2002 Kenneth Adelman, California Coastal Records Project, [www.californiacoastline.org](http://www.californiacoastline.org)

Within the project area, the railroad tracks are located between the first public road and the sea, separating beachgoers from the sandy beach. The railroad tracks have a rip-rap revetment that protects the tracks from erosion and wave overtopping. City-wide, there are 18 designated vertical access points in the City's certified Land Use Plan (LUP). Many of these designated vertical access points are located at the terminus of public stairways leading down the bluff face. Although the number of individuals crossing the tracks is higher at these points, the public can access the beach by crossing the tracks at virtually any point along the corridor. The proposed trail segment would link two of those designated vertical access points (Vertical Access #15 at Avenida Calafia and Vertical Access #16 at San Clemente State Beach Park). Similar to the City's trail project approved under CDP 5-03-322, the proposed project would change access conditions across the tracks such that crossings would occur at the designated vertical access points.

No lateral access within the right-of-way is currently authorized by any of the rail agencies and is, in fact, considered trespassing by those rail agencies. Nonetheless, the public continually travels along an informal trail that exists inland of and parallel to the railroad tracks, seaward of the toe of bluff. Therefore, track crossings occur along the entire length of the railroad corridor, presenting an obvious safety hazard. There is also a safety concern due to a number of "pinch points" along the informal trail that force people to walk very close to and/or on the tracks when traveling laterally.



The applicant proposes to improve the current access conditions within the railroad corridor by creating the proposed multi-use trail within a segment of the corridor that crosses CDPR's land. The proposed trail will follow the general alignment of the existing informal trail, but will include design controls to minimize safety hazards associated with rail crossings. The applicant proposes to create a well-defined trail with barriers between the pedestrians and the railroad. The trail will accommodate two-way, non-motorized uses and limited motorized uses (motorized wheelchairs, maintenance equipment and emergency vehicles). The project is a multi-use trail that will allow walkers, joggers, mountain bicyclists, and wheelchair users. Maintenance vehicles and equipment will also use the railroad right-of-way. The trail is comprised of three components: the trail, fencing and barriers, and landscaping, as described below. Project plans are included as Exhibit 2.

1. Trail

The trail will be 4' wide in either direction (8' total width) to allow sufficient width for maintenance vehicles. The edge of the trail will be located a minimum of 20' from the centerline of the railroad tracks. The majority of the trail will be constructed of stabilized decomposed granite or natural soil (existing conditions). Minor grading is proposed for site preparation and drainage improvements. In addition, 2 existing six-inch corrugated steel pipe culverts will be replaced under the trail.

2. Fencing and Barriers

Fencing and/or natural buffer treatments are proposed between the trail and the railroad tracks along the inland side of the tracks. As shown on the plans, some form of barrier (or combination of barrier types) would extend laterally along the entire length of the proposed trail segment between the 2 existing crossings located at each end of the proposed trail. These controls are intended to ensure safe use of the trail by funneling users to the existing crossing points, thereby deterring uncontrolled crossings. Proposed barriers would consist of native plantings such as prickly pear cactus and lemonade berry and fencing. Fencing would consist of 1,350 linear feet of 4'7" high cable rail fencing with wood grain posts.

3. Landscaping

The project involves the use of native landscaping for native restoration and buffer planting. Landscaping will be used as barriers to unauthorized crossings and to identify authorized crossing points. The applicants propose to replant native vegetation in barren areas along the trail that may have been occupied by native plants at some point in the past. The landscaping will include plants and shrubs that are relatively small in scale. No large trees are proposed.

The project involves the placement of regulatory signage to specify use restrictions. The project also involves the placement of directional signage to identify access points, parks, and other points of interest. Temporary signs may also be used to caution users of hazardous conditions, such as during high tide episodes when water may block the undercrossings or when there may be sand or water on the trail.

The applicant's biological analysis states there is no vegetation within the proposed trail alignment. Adjacent to the trail alignment, at the toe of the bluff, the applicant's analysis states there is ice plant, saltbush, tumbleweed and some coast goldenbush. In addition, the applicant's analysis states there are no wetlands within the trail project area. As a pre-caution, the Commission imposes Special Condition 9 that requires the applicant to avoid wetland impacts.

Construction of the proposed improvements will be carried out using the following types of equipment: truck, backhoe, wheeled loader and bulldozer. Throughout the construction process, beach access will be maintained. Staging of equipment and materials will occur in designated

areas that are well protected from wave uprush, including adjacent streets and parking lots. Some equipment may be stored on available areas between the railroad track and the toe of bluff where space allows. No equipment will be stored on the sandy beach, near any wetlands or within any drainage courses.

The proposed project may require approvals by the US Army Corps of Engineers, the Regional Water Quality Control Board, CA Department of Fish and Game, CA State Lands Commission, and the County of Orange. The Commission needs to ensure that approvals from other regulatory agencies are obtained and must be informed of how those approvals affect the project (if at all). As such, the Commission imposes Special Conditions 1 and 2. Special Condition 1 requires evidence of approval from all outstanding State and County agencies. Special Condition 2 requires evidence of approval from the US Army Corps of Engineers.

**B. PUBLIC ACCESS**

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**C. RECREATION**

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

**D. LAND/HABITAT**

As conditioned, the development will not result in significant degradation of 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 with Section 30240 of the Coastal Act.

**E. DEVELOPMENT/HAZARDS**

Development adjacent to the ocean is inherently hazardous. Development which 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; and to require that the landowner and any successor-in-interest assume the risk of undertaking the development; a development monitoring and maintenance requirement. 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.

To ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes a condition requiring that the property owner notify future property owners of the Special Conditions of this permit. Thus, as conditioned, this permit ensures that any prospective future owner will receive notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized

development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.

**F. WATER QUALITY**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

**G. 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).

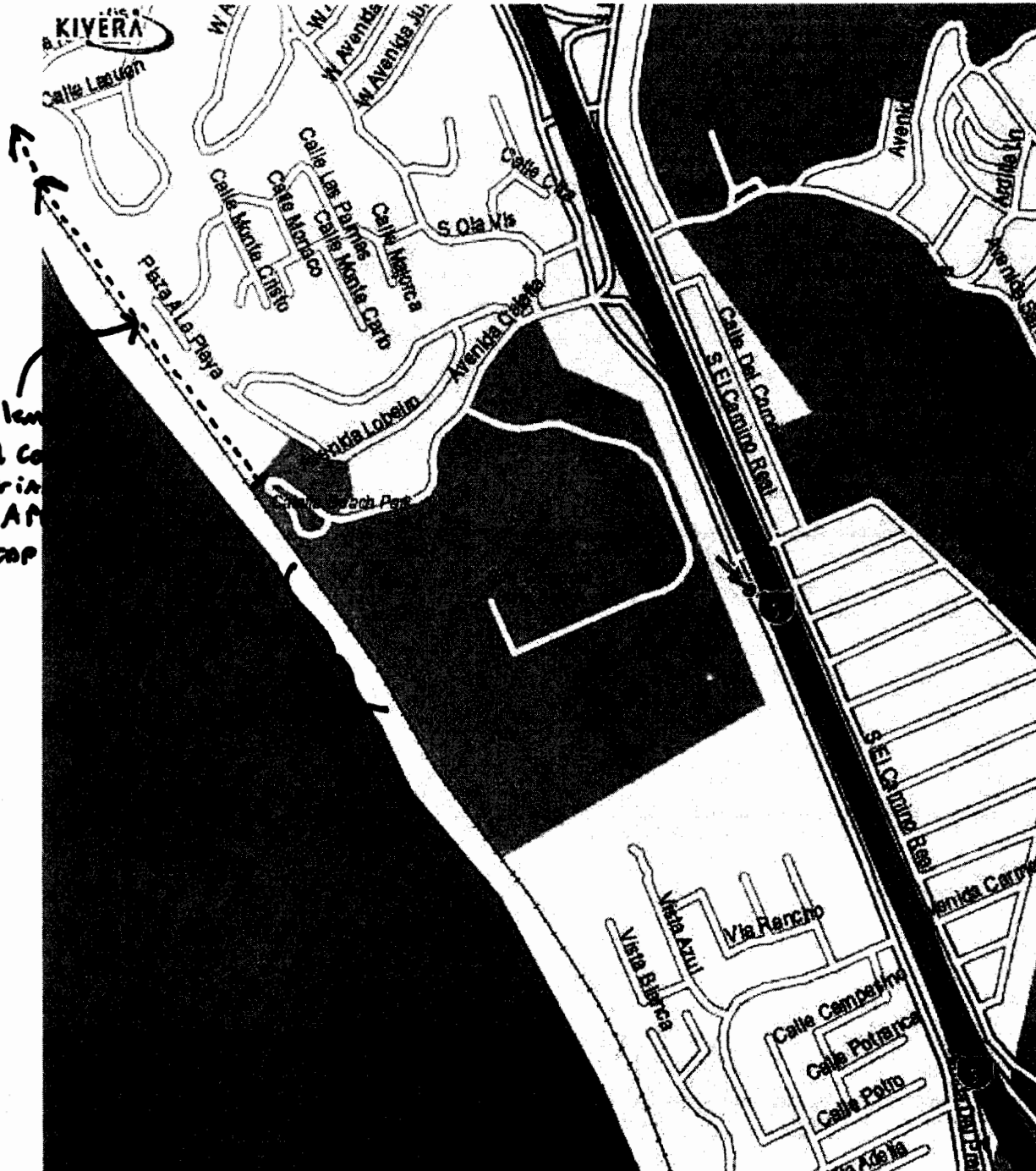
**H. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that 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.



Back

**3020 AVENIDA DEL PRESIDENTE SAN CLEMENTE, CALIFORNIA  
92672**



COASTAL COMMISSION  
**5-04-209**

EXHIBIT # 1

PAGE 1 OF 1



SCALE: 1"=100'

CALAFIA STREET  
PARKING LOT

Proposed  
Trail

OCTA R.O.W.

SAN CLEMENTE STATE BEACH

Beach

Railroad  
TRACKS

Existing  
CROSSING

(VERTICAL ACCESS #15  
ON LUP)

Existing  
CROSSING

(VERTICAL ACCESS  
#16 ON LUP)

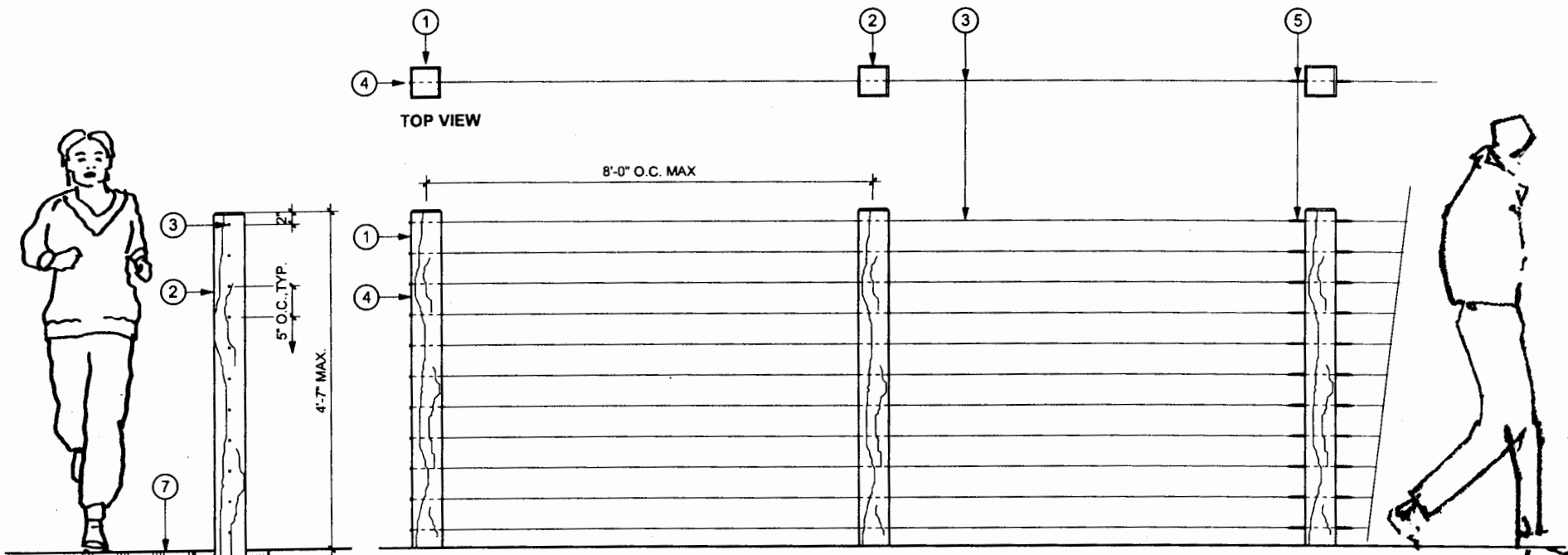
PROPOSED BEACH TRAIL - 1408 L.F. X 8 FT.  
(CALAFIA PARKING LOT TO R.R. PEDESTRIAN UNDERPASS)

COASTAL COMMISSION

5-04-209

EXHIBIT # 2

PAGE 1 OF 2



- ELEVATION**
- ① TERMINAL POST. 5" SQUARE PRE-CAST CONCRETE WOOD GRAIN POST WITH 9/16" THRU HOLES
  - ② IN-LINE POST. 5" SQUARE PRE-CAST CONCRETE WOOD GRAIN POST WITH 9/16" THRU HOLES
  - ③ GALVANIZED STEEL CABLE. DIAMETER: 1/8" SPACING: MAX SPACE 5" O.C.
  - ④ STAINLESS STEEL FIXED CAP END AT TERMINAL POST
  - ⑤ THREADED STUD CONNECTOR
  - ⑥ CONCRETE FOOTING
  - ⑦ FINISH SURFACE. SEE PLAN

**TYPE 'A' FENCE:** 4'-5" TO TOP OF CABLE  
 4'-7" TO TOP OF POST  
**TYPE 'B' FENCE:** 4'-0" TO TOP OF CABLE  
 4'-7" TO TOP OF POST

○ CABLE RAIL FENCE W/ PRE-CAST WOOD GRAIN POSTS  
 3/4"=1'-0"  
 SECTION/ELEVATION



COASTAL COMMISSION  
 5-04-209  
 EXHIBIT # 2  
 PAGE 2 OF 2