

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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(562) 590-5071

Filed: July 10, 2006  
49th Day: August 28, 2006  
180th Day: January 6, 2006  
Staff: Anne Blemker-LB  
Staff Report: August 24, 2006  
Hearing Date: September 13-15, 2006  
Commission Action:



# W11c

**STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-06-121

**APPLICANT:** National Railroad Passenger Corp. (Amtrak)

**AGENT:** Gingerich Construction, Inc.

**PROJECT LOCATION:** Within Parque del Mar, Inland of San Clemente Municipal Pier,  
San Clemente, County of Orange

**PROJECT DESCRIPTION:** Construction of a new 9'8" high unmanned Amtrak ticket kiosk on a  
3'5" x 9'4" concrete pad.

**LOCAL APPROVALS RECEIVED:** Approval of Conditional Use Permit 05-088 by City of San  
Clemente Planning Commission on November 16, 2005 and  
San Clemente Planning Division Approval-in-Concept dated  
February 6, 2006.

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**SUMMARY OF STAFF RECOMMENDATION:**

The applicant is proposing to construct an unmanned ticket kiosk within an existing grassy area at the City's Parque del Mar, adjacent to the existing rail platform located inland of the Municipal Pier. The development will aid passengers purchasing tickets and will not change existing rail service. The major issues of the staff report include protection of coastal views, public access and water quality.

Staff recommends the Commission **APPROVE** the proposed development with three special conditions requiring 1) acknowledgement of restrictions through a future improvements condition; 2) conformance with construction best management practices, 3) timing of construction be outside the peak beach use season.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of San Clemente only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

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

**LIST OF EXHIBITS:**

1. Location Map
2. Pier Bowl Map
3. Project Plans

**STAFF 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 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. Future Development

This permit is only for the development described in Coastal Development Permit No. 5-06-121. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to the development governed by Coastal Development Permit No. 5-06-121. Accordingly, any future improvements to the ticket kiosk authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 5-06-121 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

#### 2. Construction Best Management Practices

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

- (a) 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;
- (b) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain or be subject to tidal erosion and dispersion;
- (c) 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. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- (d) 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. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day;
- (e) The discharge of any hazardous materials into any receiving waters shall be prohibited;
- (f) A pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines;
- (g) All BMPs shall be maintained in a functional condition throughout the duration of the project.
- (h) Debris shall be disposed at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.

#### 3. Timing of Construction and Public Access

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

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**

The subject site is located within the City’s Parque Del Mar, a landscaped area located directly inland of the Municipal Pier in the City of San Clemente, Orange County (Exhibits 1 & 2). The site is designated P (Public) in the San Clemente certified LUP. Uses permitted in this land use category include *“governmental administrative and related facilities, utilities, schools, public and private parking and undeveloped parks.”* The proposed use is consistent with the P designation.

The applicant (Amtrak) is proposing construction of a new 9’8” high unmanned ticket kiosk with lighting and signage on a 3’5” x 9’4” concrete pad. Signage will be limited to commuter information. The design of the kiosk will be consistent with the Spanish colonial architecture of the surrounding area. No new landscaping is proposed. Any grass area disturbed during construction will be replanted in kind.

No change to rail service is proposed. The stop at the Municipal Pier is a year round stop. Tickets can currently be purchased on-board, on-line, at a travel agent, or at a station. The new kiosk will allow tickets to be purchased at this rail stop as well. No additional parking demand will be generated by the current proposal.

As proposed, the project will not obstruct public views. The new kiosk will be oriented so that the more narrow side of the structure is visible from inland vantage points. In addition, an existing concession building and a restaurant on the Municipal Pier obstruct the blue water view directly seaward of the site.

It is necessary to restrict the height and size of any structure at this site to ensure protection of public coastal views. It is also necessary to restrict uses on this site to those that can be served by existing public parking. Any physical improvements or changes in the type or intensity of use will require an amendment or new permit, as specified by Special Condition 1.

During construction, the applicant will be required to implement best management practices (BMPs) designed to minimize erosion and prevent debris from entering the storm drain system. This is specified in Special Condition 2.

The applicant proposes to construct the kiosk during the fall season when there are fewer visitors to the beach and pier, which will reduce any adverse impacts to public access. In order to ensure access to the beach is not hindered during the peak summer season, the Commission finds that it is necessary to impose Special Condition 3, which prohibits construction to occur during the peak use summer season that would obstruct public access to the pier, adjacent beach, or public parking lots.

**B. DEVELOPMENT**

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development, which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act.

**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, the development, as conditioned, conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

**D. 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 as 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 proposed development, as conditioned, conforms with 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.

**E. LOCAL COASTAL PROGRAM**

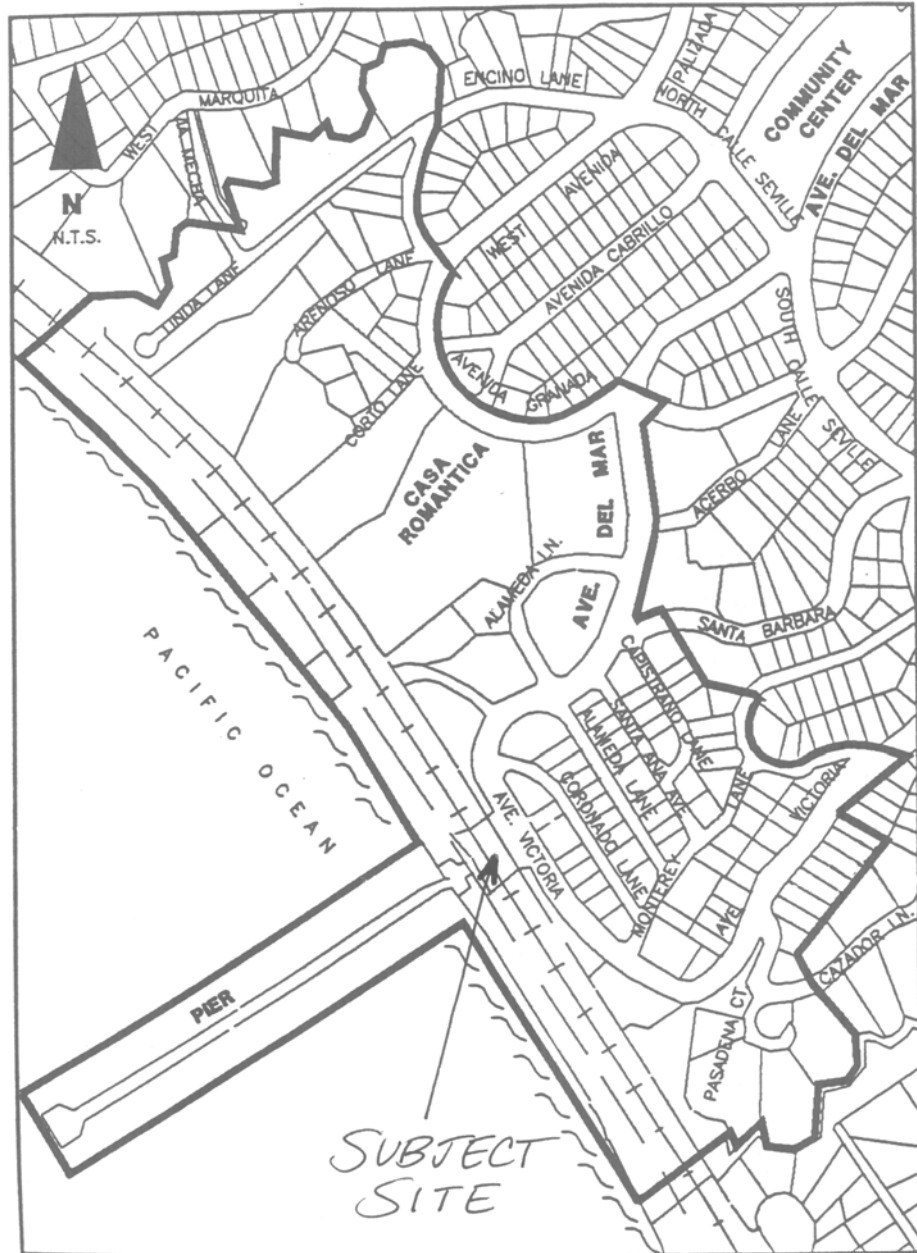
The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications 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.

**F. 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.



Chapter 1: Introduction



PIER BOWL  
SPECIFIC PLAN

COASTAL COMMISSION

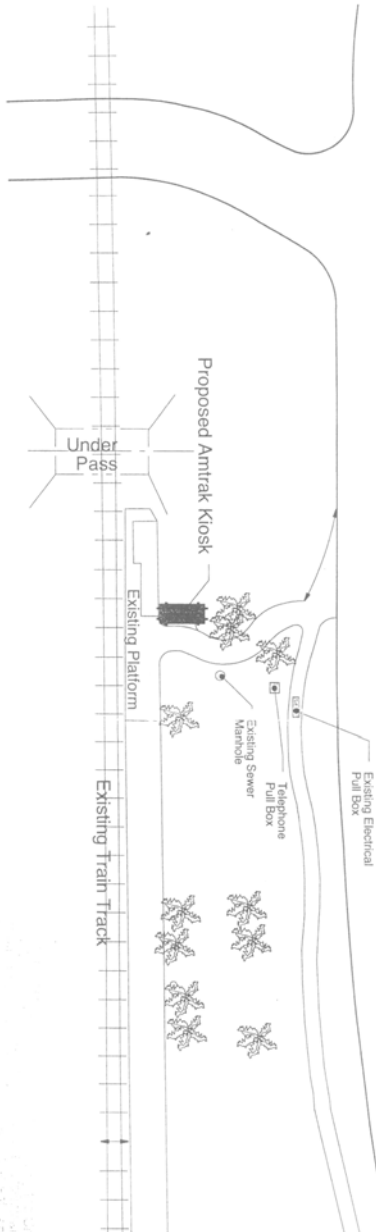
PIER BOWL BOUNDARIES

EXHIBIT # 2  
PAGE 1 OF 1

FIGURE 2

**RECEIVED**  
South Coast Region  
MAR 27 2006  
CALIFORNIA  
COASTAL COMMISSION

Avenida Victoria



**COASTAL COMMISSION**

5-06-121  
EXHIBIT # 3  
PAGE 1 OF 3

PROJECT:  
Amtrak San Clemente  
Ticket Kiosk  
San Clemente, CA

CONTRACTOR:

BUILDING OWNER:

Amtrak  
San Clemente  
Proposed  
Ticket  
Kiosk Site  
Plan  
03.04.05  
03.22.05  
04.11.05  
06.17.05  
10.12.05  
10.11.05  
11.08.05  
11.28.05

**M)Arch.**  
strategic architectures  
3006 Lincoln Blvd., Santa Monica CA 90405  
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A-01

SCALE: 1" = 30'-0"

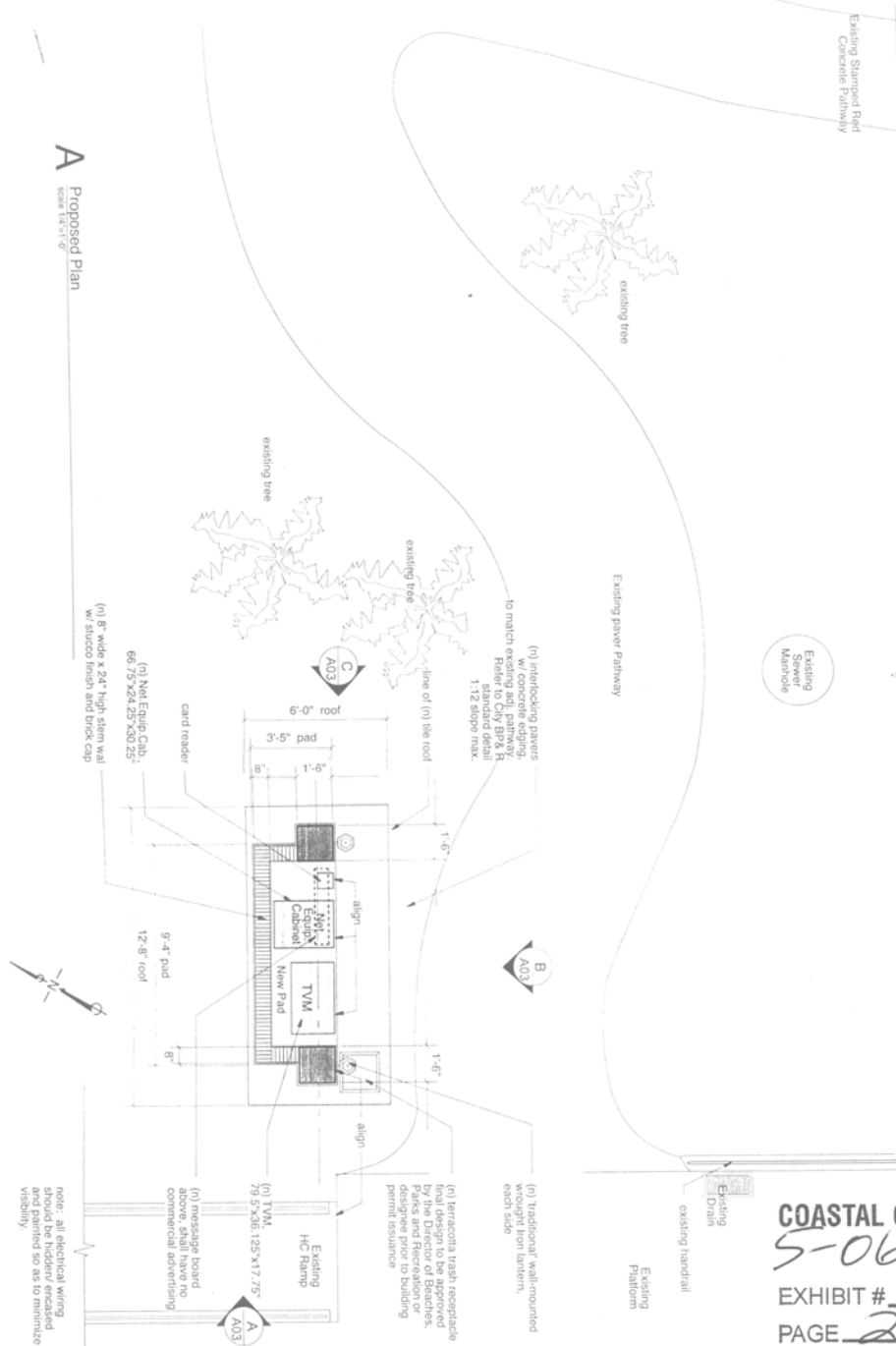
A  
Proposed Site Plan

Municipal Pier

Pacific Ocean

California Coastal Commission  
South Coast District Office  
Attn: Planning  
Permit No. **5-06-121**  
By: *[Signature]*  
EFFECTIVE DATE: *[Signature]*





**PROJECT:** Amtrak San Clemente Ticket Kiosk  
**CONTRACTOR:** San Clemente, CA  
**BUILDING OWNER:** Amtrak  
**Proposed Ticket Kiosk Plan**  
 03.04.05  
 03.11.05  
 03.12.05  
 06.17.05  
 10.03.05  
 11.04.05  
 11.14.05  
 11.28.05

**M)Arch.**  
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**A-02**

SCALE: 1/4" = 1'-0"

