

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 6-13-0357

Applicant: California Department of Parks and Recreation

Agent: Julie Tobin

Location: San Onofre State Beach – Trestles and San Onofre Bluffs parking lots, San Diego County (APN No. N/A – Lease with U.S. Navy: Parcel Nos. 10154009 and 10152010)

Project Description: After-the-fact approval to install automated payment machines (APMs) and implement a flexible fee collection program at two parking lots within San Onofre State Beach: Trestles parking lot and San Onofre Bluff parking lot, utilizing a combination of hourly, flat, or seasonal rates; including a monitoring program

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The California Department of Parks and Recreation (“CSP”) is seeking an after-the-fact coastal development permit to install two Automated Payment Machines (“APMs”) at two parking lots within San Onofre State beach: Trestles parking lot and San Onofre Bluffs parking lot. The APMs would collect fees for vehicles parking at the lots. The machines

provide expanded payment options including cash, credit, and debit. Fees are currently collected at both lots through unmanned receptacles commonly referred to as “iron rangers.”

CSP also proposes a flexible fee collection program including hourly, daily, and seasonal rates. Currently, a flat parking rate of \$15 per day is offered at both lots year-round. CSP has provided a sample fee schedule for Trestles that identifies a \$2 hourly rate up to a \$15 maximum and a flat \$20 rate for holidays and during special surf events. San Onofre Bluffs would not have hourly parking rates, but would introduce the \$20 flat holiday fee. However, CSP is not proposing specific rates or a fee structure with this application. CSP is requesting the flexibility to offer various rates depending on time of year, proximity to recreational opportunities, and the park’s carrying capacity. The machines are also capable of assisting the public in renting a campsite and selling annual State Park visitor passes.

Installation of the machines and the automated fee collection program constitute development under Coastal Act Section 30106 because it involves installation of a structure and a change in intensity of use of both land and the public’s access to the ocean. The proposed APMs can be reprogrammed at any time to increase or decrease fees, provide an hourly rate option, or be flat rate only. Such flexibility in the fee payment structure potentially affects the affordability and convenience to the public to access the coast and, therefore, represents a change in intensity of use of both land and the public’s access to the ocean.

The standard of review for this permit is Chapter 3 of the Coastal Act, including the public access and recreation policies. Commission staff has been working with CSP staff on a coordinated approach to managing coastal access in state parks that recognizes and harmonizes both agencies’ jurisdictional responsibilities, with the specific goal of meeting the Coastal Act policies of maximizing public access and protecting lower cost visitor serving recreational opportunities on public land while also recognizing and addressing recent legislative and administrative direction to CSP to create new revenue streams to fund facility management and operations throughout the state parks system. Joint letters reflecting the agencies’ current staff-level agreement are attached as Exhibits 7 and 8. As proposed, CSP will incorporate the parameters identified in the agreement to be considered for use when setting fees including provision of hourly rates at every facility where parking fees are charged to provide maximum flexibility for visitors; reduced or no fees during off-peak periods; short-term free parking for brief stops; limiting parking fees to a part of the day or weekends only; limiting the number of higher fee holidays per year and include hourly holiday rates; and promotion of annual regional passes and discount rates for seniors, the disabled, veterans, and low-income persons.

It is anticipated that the flexible fee schedule, in particular the hourly rate option, will increase visitation and therefore revenue when compared to the current flat daily rate option. Therefore, the project in this case has the potential both to further maximize public access and increase revenues for the parks system. Although staff recognizes CSP’s statutory responsibility and mandate to manage access and recreation in the state parks, increased or modified fee programs also have the potential to adversely affect the ability of the public to access the shoreline, which is the Commission’s primary responsibility. The maintenance of lower-cost options for beach access is a specific concern to assure that rates are not driven solely by increased demand, such as holidays or peak season, such that some segments of the population are priced out of recreational opportunities at the coast. In addition, significant increases in fees, or instituting new fees where there were previously no fees, may have

adverse effects on visitation levels in specific locations. At the same time, though, CSP must have a revenue stream to support park operations.

Consistent with the staff-level agreement, CSP is proposing to collect annual data from the fee collection program in an effort to demonstrate how parking fees and current discount parking opportunities affect public use and revenue collection. However, because the flexible fee schedule is essentially untested in this context, Commission staff is recommending approval with conditions requiring adherence to certain parameters regarding fee amount, scheduling, and monitoring to minimize impacts to public access by introducing the proposed payment system in a gradual manner that can be readily monitored. The special condition setting a five-year limit on the permit ensures that the applicant and Commission will have the opportunity to analyze the fee system's impacts before continuing its implementation in the longer term.

Commission staff recommends **approval of** coastal development permit application 6-13-0357, as conditioned.

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EXHIBITS

Exhibit 1 – Location Map

Exhibit 2 – Aerial View

Exhibit 3 – Trestles Lot

Exhibit 4 – San Onofre Bluffs

Exhibit 5 – Photo of Automated Payment Machine

Exhibit 6 – Memorandum of Peter Douglas Re: Coastal Development Permit Required
When Imposing or Increasing Fees or Modifying the Hours of Operation of
Public Beaches or Public Beach Parking Lots, Piers, or Boat Launch Ramps,
Dated October 29, 1993.

Exhibit 7 – Letter from Executive Director Charles Lester to Major General Jackson
dated May 20, 2013.

Exhibit 8 – Letter from Major General Jackson to Executive Director Charles Lester
dated May 23, 2013.

Exhibit 9 – Sample Fee Schedule

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 6-13-0357 pursuant to staff recommendation.*

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

Resolution:

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

This permit is granted subject to the following 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 applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director of 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. **Permit Authorization.** This authorization expires five years from the date of Commission approval of CDP No. 6-13-0357 and is for installation and operation of the APMs in general accordance with the proposed flexible fee collection program and fee schedule. The applicant shall endeavor to maximize visitation while addressing the need for increased revenue streams to support park facility management and operation through flexible fee implementation, and shall consider using the following measures:
 - a. Provide hourly rates at all locations 7 days a week, including holidays;
 - b. Limit holiday rates to the three summer holidays of Memorial Day, the Fourth of July, and Labor Day;
 - c. Reduce or eliminate fees during off-season or other low demand periods;
 - d. Provide areas within parking lots for short-term free parking for brief stops
 - e. If a flat \$20 per day fee is charged for special events, then the applicant designates the San Onofre Bluffs parking lot as available for regular visitors at standard day-use or hourly use rates, as applicable. The event and associated parking may be subject to separate coastal development permit requirements.

To facilitate timely consideration of the extension or modification of this authorization, the applicant shall apply to renew this authorization 90 days prior to its expiration.

2. **Monitoring Requirement.** The applicant shall monitor the implementation of the proposed parking and fee collection program for the duration of this permit authorization. Within 45 days of Commission action, the applicant shall provide the following information to the Executive Director to assist in collaborative development by the applicant and the Executive Director of a monitoring program that provides for monitoring and analysis of daily park use by the public and the impacts of any fee programs on public use:
 - a. Data and analysis done currently to develop the California State Parks Annual Statistical Report;
 - b. Available baseline data of park and parking lot use prior to operation of the APMs;
 - c. Any data collected and analysis performed from use of the APMs prior to this permit authorization;

Within the first year of authorization, or sooner if feasible, the applicant shall provide to the Executive Director for review and written concurrence, a final monitoring program which incorporates, in addition to the above, the following data and

monitoring results in a form that provides for analysis and conclusions regarding the effect of operation of the APMs on parking, park visitation, revenues, and public access. Information used to develop the monitoring program shall include, but not be limited to, the following:

- d. Data and analysis currently included in the California State Parks Annual Statistical Report;
- e. Collection of daily attendance figures;
- f. Parking fees assessed and collected including mode (daily, hourly, holiday, etc.) and amount of fee;
- g. Parking lot usage, vacancy, and turnover rates, as well as other data relevant to understanding visitation patterns;
- h. Analysis of the relationship of use fees to park attendance and parking lot use;
- i. Available information regarding factors such as weather, water quality, water temperature, surf conditions, etc. that may affect visitation patterns;
- j. Use of annual passes, senior, disabled, or other discounts,
- k. Parking violations or tickets issued;
- l. Special Events;
- m. Demographic information on park usage to the extent feasible;
- n. Impacts to off-site parking to the extent feasible.

3. **Reporting Requirements.** Monitoring, data collection, and analysis shall occur throughout the term of this permit and such data shall be incorporated into the approved monitoring program and be submitted to the Executive Director annually, thereafter.

At the end of the third year of this permit period, the applicant shall submit to the Executive Director a detailed analysis of the effects of the flexible fee schedule on visitation, coastal access, and revenue. The analysis shall include all of the components of the monitoring program identified in Special Condition No. 2, Items (d) through (n) above. The analysis will be reviewed by the Executive Director and presented to the Commission with recommendations regarding the effects of the flexible fee schedule.

Any proposed extension or modification of this authorization shall consider and address any impacts to access and visitation patterns identified through the approved monitoring program.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/HISTORY.

The proposed project is an after-the-fact request to install automated payment machines (APMs) and implement a flexible fee collection program at two parking lots within San Onofre State Beach – the Trestles parking lot and the San Onofre Bluffs parking lot, utilizing a combination of hourly, flat, and seasonal rates, as well implementing a monitoring program to collect fee data and its effect on public access. The project sites are the Trestles and San Onofre Bluffs parking lots within San Onofre State Beach in San Diego County.

San Onofre State Beach has been part of the State Parks system since 1971, when the lease with Marine Corps Base Camp Pendleton was first signed. San Onofre State Beach is located in the northwestern most corner of San Diego County, south of San Clemente and adjacent to the recently decommissioned San Onofre Nuclear Generating Station. San Onofre State Beach is over 3,000 acres and contains a myriad of geographical features including coastal bluffs, sandy beach, creeks, and an inland valley. Furthermore, the park area contains archaeological resources; an ancient Acjachemen village believed to be 8,000 years old is located within the park. San Onofre State Beach also contains various amenities to service the public visiting these features, including the San Mateo Campground, RV parking along San Onofre Bluffs, and multiple day-use lots scattered throughout the park.

Currently, Trestles and San Onofre Bluffs parking lots – the two day-use lots California State Parks (“CSP”) is proposing to install the APMs – contain small metal bins referred to as “iron rangers” that act as receptacles for day-use visitors to pay for parking. In the case of the San Onofre Bluffs parking lot, CSP provided Commission staff with evidence that parking fee collection was occurring at that parking lot prior to the Coastal Act. However, no evidence has been submitted indicating that parking fee collection occurred at that the Trestles lot prior to the Coastal Act or that a permit was obtained for the two iron rangers themselves.

The proposed APMs are digital kiosks that provide expanded payment options including cash, credit, and debit. The APM in San Onofre Bluffs requires minor trenching to connect it to a nearby ranger kiosk for power, while the Trestles APM is connected to a solar panel affixed atop a 12-foot pole. No parking spaces are lost due to installation. The proposed APMs can be reprogrammed at any time to increase or decrease fees, provide an hourly rate option, or do flat rate only. CSP wishes to have the flexibility to offer various rates depending on the time of year, proximity to recreational opportunities, and the park’s carrying capacity. The APMs are also capable, when needed, of assisting the public in renting a campsite and selling annual State Park visitor passes.

Commission staff has been working with CSP staff on a coordinated approach to managing coastal access in the State Parks system that recognizes and harmonizes both agencies’ jurisdictional responsibilities, with the specific goal of meeting the Coastal Act’s policies of maximizing public access and protecting lower cost visitor and recreational opportunities on public land while also recognizing and addressing recent

legislative and administrative direction to CSP to create new revenue streams to fund facility management and operation throughout the State Parks system. As conditioned, CSP will incorporate the parameters identified in the agreement to be considered for use when setting fees, including provision of hourly rates at every facility where parking fees are charged to provide maximum flexibility for users: reduced or no fees during off-peak periods, free short-term parking, limiting the applicable hours of the fees, limiting the number of flat fee days, and promoting annual passes and discounts for seniors, veterans, low-income, or disabled members of the public.

At the June, 2013, Commission hearing, the Commission approved CDP Nos. 5-13-0349, 5-13-0350, and 5-13-0351 authorizing the installation of APMs and related flexible fee schedules and monitoring programs at nearby Crystal Cove State Park, Doheny State Beach, and San Clemente State Beach, respectively. Those CDPs were also for a five-year term and contained the same special conditions as are contained in this permit.

The subject site is San Onofre State Beach, which straddles the I-5 freeway south of the county line between San Diego and Orange Counties, between the ocean and Marine Corps Base Camp Pendleton within San Diego County. The County of San Diego does not have a certified LCP, thus the standard of review is Chapter 3 of the Coastal Act.

B. PUBLIC ACCESS.

The following Coastal Act policies are most pertinent to this issue, and state in part:

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in 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: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to*

be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

[...]

- (c) *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section 30213 of the Coastal Act states, in part:

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

[...]

Section 30604 of the Coastal Act states, in part:

[...]

- (c) *Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).*

San Onofre State Beach is a spacious (over 3,000 acres) and popular park used by the public for a variety of recreational activities, such as tent camping, RV camping, hiking, surfing, and swimming. The park straddles the I-5 freeway in the northwestern most corner of San Diego County, along the Orange County line between the ocean and Marine Corps Base Camp Pendleton.

Among the most important goals of the Coastal Act is the mandate to protect, provide, enhance, and maximize public recreational opportunities to and along the coast. Within this guiding framework, the protection of and priority for lower-cost visitor serving recreational facilities is explicitly defined. The parking lots at Trestles and San Onofre Bluffs are used by the public to gain access to the nearby beaches and trails.

The Trestles parking lot is located just east of the I-5 freeway near the intersection of El Camino Real and Christianitos Road. Because the lot is near developed residential and commercial areas, park visitors who do not wish to pay the flat parking fee park for free in the surrounding streets and walk into the park. Site visits by Commission staff found

small numbers of cars within the paid lot but saw the surrounding public streets full of cars from park visitors. The parking situation is different at the San Onofre Bluffs parking lot. While the Trestles parking lot is located on the northern end of the park, adjacent to developed San Clemente, the San Onofre Bluffs lot is located at the southern end of the park, at the end of a long, two-lane road south of the San Onofre Nuclear Generating Station, between the ocean and the I-5 freeway. Because parking is not allowed on the two lane road, visitors to that portion of the park must park at the day-use lot and pay the fee if they wish to park there for the day to traverse the bluff trails down to the beach. According to CSP, because of that lots distance and relative isolation, it is one of the more underutilized lots within San Onofre State Beach.

It is anticipated that the flexible fee schedule and in particular the use of an hourly rate option, especially during periods of underutilization of the parking lots, will simultaneously increase visitation and therefore park revenue when compared to the current flat daily rate. Although Commission staff recognizes CSP's statutory responsibility and mandate to manage access and recreation in state parks, increased or modified fee programs also have the potential to adversely affect the ability of the public to access the shoreline, which is the Commission's primary responsibility. The maintenance of lower-cost options for beach access is a specific concern to assure that rates are not driven solely by increased demand, such as holidays or peak season, such that some segments of the population are priced out of recreational opportunities at the coast. In addition, significant increases in fees or instituting new fees where there previously were none before may have adverse impacts on visitation levels in specific locations or by specific segments of the public.

CSP is not proposing specific rates or fee structure with this application, but is requesting the flexibility to offer various rates depending on time of year, proximity to recreational opportunities, as well as carrying capacity. Possible fee schedules include \$2 an hour at Trestles, up to a \$15 maximum, with a flat \$20 daily rate during holidays and special surf events. At San Onofre Bluffs, CSP is currently not proposing any hourly fees, but instead will continue with the flat \$15 daily fee, with a flat \$20 fee during holidays (no special event fee). Prior to this, CSP has offered only one rate at Trestles and San Onofre Bluffs – a flat \$15 daily rate, regardless of length of stay or time of year or holiday (Exhibit 9).

The Commission believes that hourly rates achieve a reasonable balance between promoting public use and revenue generation. One of the reasons the APMs were proposed by CSP was because there are many lots, such as San Onofre Bluffs, that are currently underutilized due to location, pricing, or a combination of the two. San Onofre Bluffs allows access to various trails along and down the bluffs to the beach. Hourly rates would make this resource more attractive to visitors who simply wish to traverse the trails for a short period or view the sunset. Furthermore, CSP periodically hosts special surf events along the northern beaches of San Onofre park, closer to the Trestles parking lot. These events can lead to high traffic demand that can displace other park visitors not partaking in the special event. San Onofre Bluffs is approximately three miles from the stretch of beach where most special events are held, and thus it is unlikely that attendees of the special events will park at San Onofre Bluffs; it would most likely be non-event visitors who park at that lot.

The Commission further believes that offering an hourly parking rate as frequently as possible and also during holidays is beneficial and would allow short-term visitors the opportunity to enjoy the sunset or engage in recreational activities without incurring the expense of a full-day fee. The flat fee program offers visitors no alternative to full-day access by visitors using vehicles. In some instances, visitors wishing to just stay a short duration and view the sunset would leave the park when realizing that a full-day fee would have to be paid.

It is advantageous that the proposed APMs will allow CSP to offer an hourly fee option to maximize access and provide the opportunity for visits of a brief duration such as surfing, jogging, or watching the sunset. Parking lots with hourly rates are inherently lower-cost visitor and recreational opportunities supported by the Coastal Act. Often at off-peak periods, the lots at Trestles and San Onofre Bluffs are underutilized. The proposed APMs offer an opportunity to increase utilization during off-peak periods.

CSP is offering hourly rates at many state beaches elsewhere in San Diego County, including Carlsbad, South Carlsbad, San Elijo, Cardiff, Torrey Pines North, and Silver Strand in Coronado. CSP announced the move in a November 2011 press release, which states:

If visitors want a short visit, like a run on the beach or a sunset, they would not pay for the whole day, but rather just for the time they select and that's how they would be given a price break. Also, State Parks thinks this will help with revenue because it may encourage more people to take advantage of the opportunity for shorter visits, quite possibly creating more turnover of visitors and therefore more revenue. In addition, visitors may choose to use the state lots at hourly rates rather than park far away from the beach.

In nearby Orange County, at Crystal Cove beach, a five dollar hourly rate has been implemented at the four Crystal Cove locations where APMs are currently operating. A November 23, 2012 letter to Commission Staff from CSP indicated that visitors purchased various amounts of parking time when visiting the beach. At the Moro Campground Day Use area, over ninety-eight percent of visitors purchased two hours or less, whereas at Pelican Point sixty-three percent of visitors purchased day passes. This data suggests that demand exists for a wide gamut of parking options.

While CSP originally proposed that their new twenty dollar flat holiday rate be applied to numerous holidays year-round (Thanksgiving, Christmas, New Years, etc.), after discussion between CSP and Commission staff, the holiday rate will currently only be charged on three summer holidays: Memorial Day, Fourth of July, and Labor Day. CSP has indicated that if the first-year monitoring data indicate that the holiday rates do not substantially impact total visitation on those three holidays, then they may extend it to off-season holidays. CSP also indicated that they would consider hourly holiday rates if total visitation actually declined due to the new rates (and not inclement weather or water quality).

To provide additional opportunities for visitation, CSP indicates they will expand and continue to promote the sale of annual regional passes. At kiosks staffed by park workers, CSP provides discounts for certain groups of visitors, including an immediate one dollar discount for senior citizens over sixty-two and a fifty percent discount for disabled persons who have a CSP-issued pass. These discounts may not be available through the APMs; however, to preserve these discounts, CSP has indicated they will explore the means to maximize the availability of discount rates for seniors, the disabled, veterans, and the low-income persons through the APM program or through park staff.

Although the Commission recognizes CSP's statutory responsibility and mandate to manage access and recreation in state parks, increased or modified fee programs also have the potential to adversely affect the ability of the public to access the shoreline, which is the Commission's primary responsibility. The maintenance of lower-cost options for beach access is a specific concern to assure that rates are not driven solely by increased demand, such as holiday or peak season, such that some segments of the population are priced out of recreational opportunities at the coast. In its application, CSP agrees to collect annual data from the fee collection program in an effort to demonstrate how parking fees and current discounts parking opportunities affect public use and revenue collection.

Consistent with the staff-level agreement, CSP is proposing to collect annual data from the fee collection program in an effort to demonstrate how parking fees and current discount parking opportunities affect public access and revenue collection. However, because flexible fees are relatively untested in this context, a five-year trial window is prudent to allow monitoring and analysis of the impacts of the fee program. This will better allow identification of the pros and cons of such programs in both the southern coastal region and elsewhere, and highlight areas for improvement in the event of longer-term planning.

To mitigate potential impacts presented by the proposed development, **Special Condition No. 1** established a five-year term on this permit in order to allow a sufficient period in which to gauge the impacts of the APMs on public access before they are used in the long term. **Special Condition No. 2** requires CSP to adhere to an approved monitoring program so as to track the effects that the new fee schedules have on public access, so that proper analysis may be performed prior to CSP applying to extend the use of the APMs beyond the five-year life of this permit. **Special Condition No. 3** requires that the analysis and findings of the monitoring program be reported to the Commission in a timely manner to allow sufficient processing and analysis.

Thus, as conditioned, the proposed project to install APMs and institute a flexible fee schedule, including hourly and seasonal rates, has the potential to expand visitation, improve public access, and increase revenue. CSP has an opportunity demonstrate whether or not the public will take advantage of alternatives to the existing \$15 flat fee day-use parking rate, particularly for shorter length visits. Data collected during the five-year life of this permit will provide some evidence about the demand of state park visitors for a variety of parking options and provide a tool to help the Commission and CSP devise the best approach to maximize public access. In summary, the Commission finds

the proposed APMs with related fee schedules and monitoring program, as conditioned, is in conformance with Chapter 3 of the Coastal Act. Therefore, the Commission finds that all access concerns associated solely with the development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

C. VISUAL RESOURCES

Section 30251 of the Act addresses scenic and visual qualities, and states, in part:

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

San Onofre State Beach is an ocean front public park with bluff top ocean views and spacious inland valleys. The proposed APMs are square kiosks approximately 54 inches tall, with the Trestles APM containing a narrow 12-foot pole with a solar panel on top to supply power to the unit. However, the proposed APMs do not present a substantial impact to the visual resources of the park because they are located within already developed parking lots within the park and are not of a height so as to impede views of surrounding coastal resources. Thus, the Commission finds that the proposed development, as conditioned, is consistent with the visual resource policies of Chapter 3 of the Coastal Act.

D. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without the required coastal development permit, including, but not limited to, the erection of the two physical “iron ranger” fee collection receptacles, as well as the charging of a parking fee at the Trestles parking lot.

Although development has taken place prior to the submission of this permit application, consideration of the application by the Commission has been based solely upon the policies of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implied statement of the Commission’s position regarding the legality of any development undertaken on the subject site without a coastal permit, or that all aspects of the violation have been fully resolved.

E. LOCAL COASTAL PLANNING

The County of San Diego does not have a certified LCP. As conditioned, the proposed development will be consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the County of San Diego to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act.

F. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The California Department of Parks and Recreation is the lead agency for purposes of CEQA review for this project, and the Coastal Commission is a responsible agency. Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, 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 conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing public access, will minimize all adverse impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

Clemencia

92672

SEE MAP

Project
Site
(off map)

PACIFIC OCEAN

EXHIBIT NO. 1
APPLICATION NO.
6-13-0357
Location Map



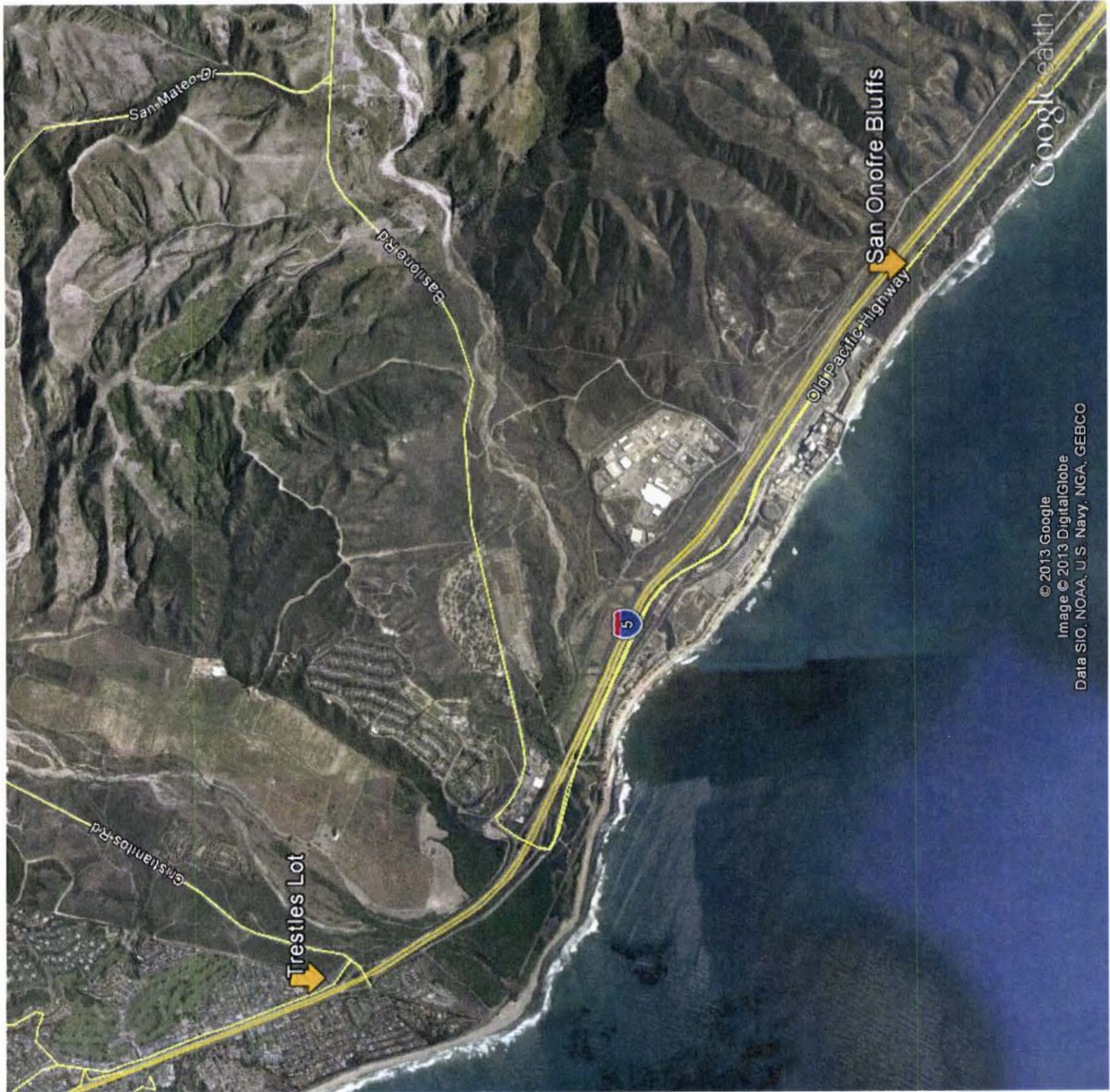
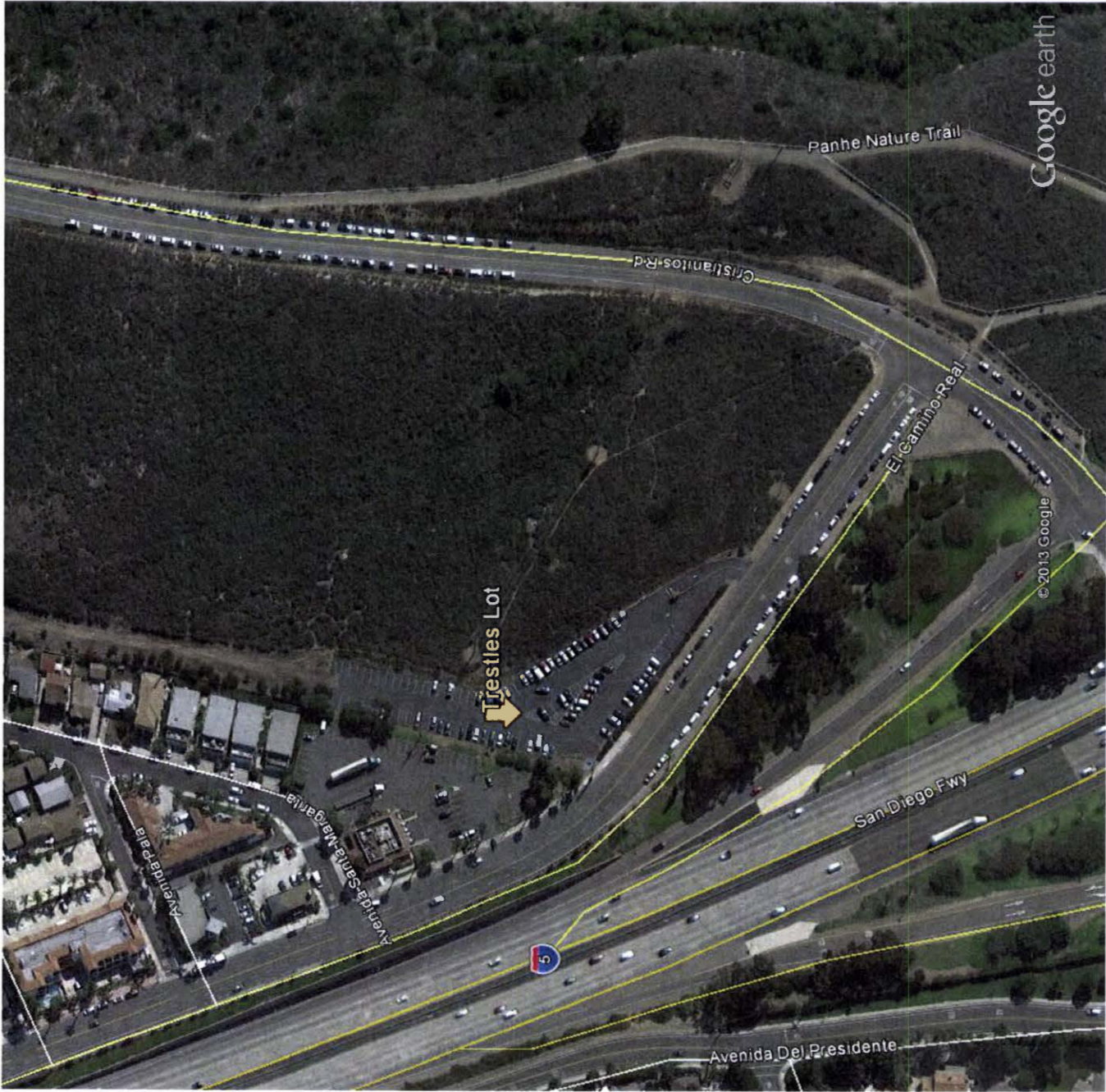


EXHIBIT NO. 2
APPLICATION NO.
6-13-0357
Aerial View
 California Coastal Commission



1000
300
feet
meters

arth

EXHIBIT NO. 3
APPLICATION NO.
6-13-0357
Trestles Lot

 California Coastal Commission



DAY USE
HOURS
6AM-10PM

FEE AREA
SELF
REGISTRATION
REQUIRED

PAY
HERE

SELF REGISTRATION	
PARKING - DAY USE	\$ 15
CAMP SITE	\$ 35
ADDITIONAL MOTOR VEHICLE	\$ 15

PAY INSTRUCTIONS
1. COMPLETE REQUIRED INFORMATION ON ENVELOPE
(CAMPERS SELECT CAMP SITE PRIOR TO PAYING)
2. PLACE ENVELOPE IN ENVELOPE AND TELL GUY
3. PLACE ENVELOPE IN ENVELOPE AND TELL GUY
4. CAMPING CHECK OUT TIME IS 10:00 AM

TAMER WILL VERI

NOTICE OF
PREVIOUS PERMIT
CAMPING FEES
SPECIAL PAYMENT
SPECIAL PAYMENT
SPECIAL PAYMENT

Special Package with Entry
\$10
Includes 1st in SECTIVE
UNIL FORMER TENG
4/10/10 10:00 AM 5:00 PM

Special Package
\$10
Includes 1st in SECTIVE
UNIL FORMER TENG
4/10/10 10:00 AM 5:00 PM

EXHIBIT NO. 5
APPLICATION NO.
6-13-0357
APM Photo

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



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CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

October 29, 1993

TO: Planning Directors of Coastal Cities and Counties, and Other Interested Persons

FROM: Peter Douglas, Executive Director *Peter Douglas*

SUBJECT: COASTAL DEVELOPMENT PERMIT REQUIRED WHEN IMPOSING OR INCREASING FEES OR MODIFYING THE HOURS OF OPERATION OF PUBLIC BEACHES OR PUBLIC BEACH PARKING LOTS, PIERS OR BOAT LAUNCHING RAMPS

The Coastal Commission has received numerous inquiries as to whether the imposition or increase of fees or making a change in operating hours of public beaches, shoreline parks or public beach parking lots, piers or boat launching ramps requires a coastal development permit. It appears these inquiries result from increasing pressures on local governments to charge fees and/or change the hours of operation of such facilities based on budgetary and public safety concerns. In addition to these inquiries, the Commission has taken action on several specific coastal development permit applications for such activities of which you should be aware. We think it appropriate to respond on a statewide basis and apologize for our delay.

The answer is yes, in most cases. For purposes of this communication, it is important to distinguish between the various types of facilities and actions being discussed. The descriptions below of the types of facilities referred to in this memorandum are not intended to constitute any sort of legal definition but rather provide the context for the discussion that follows. Public beaches refers to all sandy beach areas under public ownership or control, whether or not subject to the public trust. Shoreline parks are public recreation areas that may or may not include sandy beach located immediately adjacent to or in close proximity to state waters and which can be used by the public to gain access to such waters. Public parking facilities include any parking areas or portions of such areas (eg. parking lots, on-street or curbside parking spaces, parking structures) open to the public that are used by the public to gain access to public beaches or state waters. Public piers and public boat launching ramps are self-explanatory.

Pursuant to the California Coastal Act a coastal development permit is required for any "development", unless specifically exempted under a variety of provisions or procedures set forth in the Coastal Act or pursuant to other provisions of law (eg. the doctrine of vested rights). The Coastal Act defines "development" as including, among other things, a "...change in intensity of use of water, or of access thereto..." (Public Resources Section 30106.) After a local coastal program (lcp) has been fully cer

EXHIBIT NO. 6

APPLICATION NO.

6-13-0357

Peter Douglas Memo

Planning Directors of Coastal Cities
and Counties, and Other Interested
Persons

October 29, 1993

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for a city or county, the coastal development permit issuing responsibilities of the Commission are delegated to that local government. Coastal permitting responsibilities stay with the Commission for any development on any land or water areas subject to the public trust. In addition, certain coastal permit actions by local government are appealable to the Commission, including those for the types of facilities and actions that are the subject of this memo. Local coastal programs (lcps) have incorporated the Coastal Act definition of "development" requiring a coastal development permit from the local government implementing a fully certified lcp.

It is the Commission's position that any action which has the effect of changing the intensity of use of state waters or of access to such waters is a "development" for purposes of the Coastal Act and requires a coastal development permit from the Commission or, in appropriate circumstances, from a local government implementing a fully certified lcp or the Commission on appeal. Because the imposition or substantial increase of a user fee for beach access parking, pier or boat launching ramp use, or for beach or shoreline park use would, in our opinion, result in a change in access to state waters, a coastal development permit is required. For purposes of this memo and for purposes of guidance, "substantial increase" means any fee increase of 25% or more in any given year or 50% or more on a cumulative basis over any three consecutive year period. Similarly, any action changing the hours of operation or availability for public use of, for example, any beach, shoreline park, parking facility, pier or boat launching ramp or facility requires a coastal development permit. A coastal development permit is required even if little or no physical construction is necessary to implement the action calling for a fee, a fee increase or a change in hours of operation.

As mentioned before, whether the coastal development permit must be obtained from the Commission or the appropriate local government depends on whether the local government has in place a fully certified lcp and has been delegated the coastal development permit issuing authority pursuant to the Coastal Act. In some cases, even where a fully certified lcp is in place, the Commission may have retained coastal development permitting authority because the affected lands are subject to the public trust or otherwise fall into a category of retained permit jurisdiction. If there is a question about whether the Commission or the local government is responsible for processing and acting on a coastal development permit, please contact the appropriate Coastal Commission office. Even where a local government has coastal development permit issuing responsibility, it is important to know that the action is probably appealable to the Coastal Commission and, because the issue involves public access and is of vital concern to the Commission, may well be appealed.

The fact a coastal development permit is required for the type of actions described above does not mean a permit application will necessarily be denied. Rather, each case must be evaluated in light of the particular applicable facts and circumstances. The Coastal Commission has already reviewed and acted on several proposals to change the hours of operation of public beaches, parking facilities, accessways, boat launching ramps, and a pier. These proposals involved the cities of San Diego, Carlsbad and Long

Beach. It is our intent to prepare a memo on this subject that will provide guidance to local government, other public agencies and members of the public relative to the type of factors the Commission has considered and examples of concerns that should be taken into account when these types of proposals are being formulated. The Commission is extremely sensitive to the budgetary and public safety concerns of local governments. At the same time, the Commission must carefully balance those concerns against broader public interests relative to public use of and access to public coastal resources such as beaches and state waters. It is for this reason, among others, that the Commission has not approved any request to close public beaches to the public on a continuing basis. On the other hand, the Commission has approved the closure of public beach parking lots at certain hours during the night. Finally, it should be remembered that because these types of actions requiring coastal development permits involve questions of public access, the legal standard of review is the Chapter 3 policies of the Coastal Act relating to public access.

Relative to public safety concerns, we want to emphasize that nothing in what we have said here interferes with or prevents a law enforcement agency from taking any and all actions it deems appropriate to address a particular public safety emergency, including any action to close to all public use a beach, parking facility or park. Similarly and pursuant to the Coastal Act, if a local government takes an action to close a public facility pursuant to a legally approved declaration of "public nuisance", no coastal development permit is required. We should caution however, Commission staff will look carefully at any action using the "public nuisance" exception to the coastal development permit requirement when the result of such action is to close to public use for any extended period of time a public beach, parking facility or any other facility providing public access to the beach or state waters.

Because there has been some ambiguity and uncertainty about the coastal permit requirements for the types of actions covered by this memo, it is not our intent to pursue any coastal act violation actions at this time. However, we ask every entity that has taken any action described here as requiring a coastal development permit and for which such a permit has not been approved to contact our office to determine the appropriate steps to complete and process a coastal permit application. We realize that in some cases the action requiring a coastal permit may have been taken some time ago. Notwithstanding the passage of time, a coastal permit will still be required and must be secured. We also understand there have been many instances where local jurisdictions have increased parking fees. We recognize that not every increase in parking fees requires a coastal permit. Accordingly, please contact our office for clarification on how we intend to proceed in these cases.

We would appreciate your passing this memo on to anyone you think may have an interest in the matter. We are particularly anxious that this memo get to the responsible people in your jurisdiction who manage your parking and recreation programs. Thank you for your cooperation and attention to this matter.

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



May 20, 2013

Dear Major General Jackson,

I write to express my appreciation for our recent communications, and to memorialize our discussions of our mutual understanding of the responsibilities of California State Parks (CSP) and the California Coastal Commission to protect and provide public access and recreation along California's coast. This shared mission is vital to the citizens of California and to its multi-billion dollar coastal economy. Our agencies must do their best, therefore, to work together to address the challenges that we face and to find shared solutions.

As you and I discussed in our initial meeting, and again on March 11, Commission staff (CCC) is committed to working with CSP through the relevant permitting processes to identify mutually-agreeable outcomes, including identifying those cases where the CCC would not need to exercise its jurisdiction or where permit streamlining can be achieved. To this end, I offer the following points which I believe capture the spirit and intent of our conversations that have taken place between our headquarters offices. We hope that you will agree with this summary, and that we can move forward with these shared understandings.

Jurisdiction

- The CCC and CSP recognize that CSP has a mandate and responsibility to provide and manage public access and recreation, as well as manage natural resources, in coastal state parks. The CCC recognizes the fundamental role that CSP plays in maintaining the coastal park system, including managing the hours of operation, regulating the modes of visitation, providing amenities, and assuring a safe environment for all visitors.
- The CSP and the CCC recognize that the Commission and local government also have an important role and statutory responsibility to protect and provide maximum public access and recreation in the coastal zone, including in State Parks, pursuant to the California Coastal Act and certified Local Coastal Programs (LCPs). This includes implementing a permit requirement for any development that is not exempt.

Regulatory Process

- CSP will endeavor to consult with the CCC and/or local government in advance of undertaking development that may trigger coastal development permitting requirements under the Coastal Act or a certified LCP. When permits are required, CSP will work with the CCC and local governments to identify and provide necessary information and meet any other relevant processing requirements. The CCC will endeavor to coordinate CSP and local governments acting under their LCPs where appropriate.



- The CCC will endeavor to provide timely and clear feedback on CSP requests about proposed development in the coastal zone. The CCC will also endeavor to exercise administrative discretion to maximize opportunities for permit streamlining and avoiding unnecessary regulatory procedures.
- The CCC and CSP will endeavor to seek agreement wherever possible on proposed development projects through collaborative project review and design.

Shoreline Access

- CSP and CCC are committed to and bound by the state Constitutional article X, sections 4 and 7, in spirit and intent, and Coastal Act sections 30210-30214 requirements to provide maximum public access and recreation for all the people to and along the state's shoreline waters, consistent with public safety and the need to protect natural resource areas from overuse.¹
- CSP agrees to work with the CCC to identify and address any shoreline access issues that may exist in coastal state parks (e.g. related to existing curfews or beach closures), consistent with the previous bullet point.

Lower-cost Access and Recreation

- The CCC acknowledges that the CSP has many low-priced passes available to enhance public access to coastal state parks, including: *Annual Day Use Pass*, *Golden Bear Pass*, *Limited Golden Bear Pass*, *Disabled Discount Pass*, and *Distinguished Veteran's Pass*. These five passes provide discounted rates to routine park visitors, seniors, low-income visitors, disabled people, and service men and women, respectively. CSP and the CCC will work to identify and implement actions to protect and encourage lower-cost access and recreational opportunities for all visitors to the coastal state parks, consistent with Coastal Act section 30213 and applicable CSP authorities.

Parking Fees and other Revenue-generation Programs

- The CCC recognizes that CSP must have sufficient revenues to maintain public access and recreation opportunities at state coastal parks, and the CCC recognizes the recent specific legislative and administrative direction to CSP to create new revenue streams to fund facility management and operations throughout the State Park system.

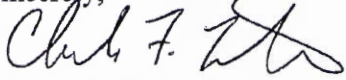
¹ Section 4 states, in part, "[n]o individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose . . . and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof. Section 7 states: [w]henver any agency of government, local, state, or federal, hereafter acquires any interest in real property in this State, the acceptance of the interest shall constitute an agreement by the agency to conform to the laws of California as to the acquisition, control, use, and distribution of water with respect to the land so acquired."

- CSP and the CCC will work collaboratively to assure that any new or increased parking or other program fees are implemented consistent with the Coastal Act and/or certified LCPs where applicable. CSP recognizes that LCPs establish requirements unique to specific locations and contexts. To address Coastal Act and LCP policies, and potential impacts to public access from new or increased fees, CSP agrees to consider incorporating the following approaches in any proposed fee programs:
 - Provide hourly rates at every facility where parking fees are charged. This will provide maximum flexibility for users, potentially create more turnover of visitors (especially at sunset), and may also increase revenue, as the recent experience in San Diego and Orange County suggests.
 - Consider supplemental means that increase visitation including extending park hours, parking lot hours and operations.
 - Reduce or eliminate fees during off-peak periods.
 - Provide some areas within parking lots for short-term free parking for brief stops.
 - Limit the number of higher fee holidays per year, and include hourly holiday rates.
 - Expand and promote the sale of annual regional passes, and discount rates for seniors, the disabled, veterans and low-income persons.
 - Regulate hours and use of developed facilities, but do not prohibit all access to public trust lands such as the shoreline.
 - In areas where fees have not been charged historically, consider a phased approach for new fees, including limiting parking fees to a portion of the day (e.g., 9-5, 10-6, etc.) or weekends only; consider free parking on certain days and a "first hour free".
 - Consider whether in some cases the appropriate fee for a specific site may be no fee, for example where a state beach may be the only meaningful point of public access in a region, and/or those sites with minimal or no active management requirements or public facilities (such as facilities with no restrooms, campgrounds or visitor centers) and that can be "subsidized" by fee collection from the larger region.
 - Address any closures or restrictions on actual access to and along the beach/shoreline that may be in place.
- The CCC acknowledges and appreciates CSP's agreement to monitor and periodically review the implementation of any proposed fee programs, including assessing the impacts, if any, on coastal access, and annually report to the Commission available and relevant monitoring data and evaluation, including but not limited to: daily attendance, fee implementation (e.g. mode of fee), impacts to public access, and other relevant data. The CCC commits to working with CSP to identify efficient and effective monitoring and analysis.

We hope that you concur that the above points provide a workable framework for continuing to move forward together to address our shared mission of providing public coastal access and recreation. As we have discussed, CSP and the Coastal Commission have a forty year history of working together to assure that our state coastal access programs are beyond compare and that

we are protecting our sensitive habitats, wetlands, and other important coastal resources. I look forward to continuing to work effectively and successfully in partnership with CSP. Please do not hesitate to contact me in the future concerning any of our mutual concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles F. Lester", with a long, sweeping horizontal line extending to the right across the page.

Charles Lester
Executive Director



DEPARTMENT OF PARKS AND RECREATION
P.O. Box 942896 • Sacramento, CA 94296-0001
(916) 653-8380

Major General Anthony L. Jackson, USMC (Ret), Director

May 23, 2013

Mr. Charles Lester
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Dear Mr. Lester:

The revised applications for San Onofre State Beach, El Moro/Los Trancos, Doheny State Beach and San Clemente State Beach will be submitted by the Superintendent of the Orange Coast District. These applications were revised pursuant to the understanding that both California State Parks and the California Coastal Commission have responsibilities to protect and provide public access and recreation along California's coast. This understanding is most recently reflected in the correspondence you sent to me on May 20, 2013.

While Parks has expressed some concerns about arriving at an appropriate structure that allows both agencies to balance our responsibilities to provide public access and recreation with Parks' responsibility to generate sufficient revenues to maintain the Park system for public access and recreation, we believe the model embodied in the letter is the appropriate path forward. We are pleased to have resolved that overriding issue. While we may find there are still disagreements in the details of how to implement the model reflected in the letter, we are committed to working collaboratively in attempting to reach resolution at the staff level whenever possible.

Attached is a sample fee schedule that reflects the proposed fees for the beaches. This schedule is a sample that could be modified over the course of the five year permit subject to the parameters set forth in the May 20, 2013 letter.

Sincerely,

Major General Anthony L. Jackson, USMC (Ret.)
Director

Attachment

EXHIBIT NO. 8
APPLICATION NO.
6-13-0357
Maj. Gen. Jackson
Letter

SAMPLE FEE SCHEDULE

SAN ONOFRE STATE BEACH														
Trestles Parking Lot	Monday		Tuesday		Wednesday		Thursday		Friday		Saturday		Sunday	
	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee	Hours	Fee
	1	\$2	1	\$2	1	\$2	1	\$2	1	\$2	1	\$2	1	\$2
Daily Max = \$15		\$15	Daily Max = \$15		\$15	Daily Max = \$15		\$15	Daily Max = \$15		\$15	Daily Max = \$15		\$15
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