

**CALIFORNIA COASTAL COMMISSION**

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# W26d

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Staff Report: 08/29/2019  
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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 5-19-0225

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

**Agents:** Luke Serna, Associate Park and Recreation Specialist

**Location:** 25300 Harbor Drive, Dana Point, Orange County

**Project Description:** Reline or replace approximately 6,500 linear feet of existing sewer lines within Doheny State Beach Park. Includes temporary trenching, phased closure of the day use area during construction and complete closure of the campground from November 15, 2020 through April 1, 2021, demolition and replacement of vegetation outside bird breeding season (February 15 to September 1), construction of an approximately 6 foot high maintenance yard lift station, rehabilitation and installation of manholes, and system monitoring.

**Staff Recommendation:** Approval with conditions

## SUMMARY OF STAFF RECOMMENDATION

The proposed project is the relining or replacement of approximately 6,500 linear feet of existing aging sewer line, much of which is in poor condition, within the Doheny Beach State Park. The proposed development includes temporary trenching, potential dewatering, modifications to an existing lift station and construction of a new lift station, rehabilitation of 4 manholes and installation of 21 manholes, vegetation removal and replanting, implementation of impact minimization measures, and system monitoring. Removal of vegetation, as proposed, would be conducted outside of bird breeding season (February 15 to September 1). The applicant also proposes phased closure of the day use area between November 2019 and April 2020 in order to

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maintain access to the State Beach and Park amenities throughout construction, and temporary closure of the campground from November 15, 2020 through April 1, 2021. No work is proposed on the sandy beach. The applicant is the California Department of Parks and Recreation. This project is funded through a Clean Beaches Initiative grant.

The City of Dana Point, the City in which the proposed project is located, has a certified Local Coastal Program; however, Doheny State Beach Park is located within the Commission's retained coastal development permit jurisdiction area. Therefore, a CDP from the Coastal Commission is required and the standard of review for the CDP application is Chapter 3 of the Coastal Act.

Staff is recommending **approval** of the coastal development permit with **nine (9) special conditions** including: **1) Permit Compliance; 2) Other Agency Approvals; 3) Temporary Shoreline Access Management Plan; 4) Construction and Pollution Prevention Plan; 5) Biological Resources; 6) Geotechnical Recommendations; 7) Final Project Assessment and Evaluation Report; 8) No Future Shoreline Protective Device; 9) Assumption of Risk, Waiver of Liability and Indemnity.**

The motion to carry out the staff recommendation is on page four of this report.

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### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

Exhibit 1 – Project Location

Exhibit 2 – Site Plans

Exhibit 3 – Project Avoidance and Minimization Measures

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-19-0225 pursuant to the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit 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 Coastal Development Permit Application No. 5-19-0225 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 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 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 of 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

This permit is granted subject to the following special conditions:

1. **Permit Compliance.** The permittees shall undertake and maintain the development in conformance with the special conditions of the permit and the final plans, including but not limited to the Site Access and Staging Plan, Demolition Plan, final Planting Plan, Landscape Monitoring Plan, Sewer System Improvement Plans, and Project Avoidance and Minimization Measures, approved by the Executive Director. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission-approved permit amendment unless the Executive Director determines that no permit amendment is required.
2. **Other Agency Approvals.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide to the Executive Director a copy of a permit, or letter of permission, or evidence that no permit or permission is required for the project subject to this coastal development permit, issued by the following entities: City of Dana Point; Orange County Flood Control District; South Orange County Wastewater Authority; State Water Resources Control Board; and California Department of Transportation. The applicant shall inform the Executive Director of any changes to the project required by the cited entities. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
3. **Temporary Shoreline Access Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a Temporary Shoreline Access Management Plan, subject to the review and approval of the Executive Director, that protects the rights of the public to access Doheny State Beach Park. The plan shall incorporate the following:
  - A. **Day Use Area Phased Closure Plan.** The temporary day-use area closure plan shall clearly describe, at a minimum, the location, duration, and schedule of the phased closure of quadrants of the day-use areas. This CDP does not authorize the closure of any sandy beach area. Beach access shall be maintained throughout the day-use area throughout all construction and construction-related activities described herein. The plan shall also include signage directing visitors around the temporary work sites, consistent with Section C of this condition. Use of Doheny State Beach public parking for construction and construction-related activities shall be minimized to the maximum extent feasible and in no case shall fifty percent (50%) or less of the public day-use parking be unavailable to the public during construction and construction-related activities described herein on any given day.

- B. **Campground Closure Plan.** The temporary campground closure plan shall include, at a minimum, the location, duration, and schedule of the closure of the campground, evidence that the duration of the closure is minimized to the greatest extent feasible, and a clear description and schedule of outreach to inform the public about the closure. Closure of the campground shall not commence until November 30, 2020 (after Thanksgiving weekend).
  - C. **Public Access Signage Plan.** The signage plan shall clearly describe, at a minimum, the dimensions, material(s), text, and font of each sign and/or stencil and a site plan depicting the location of each sign and/or stencil. The signs shall facilitate, manage, and provide public access to Doheny Beach State Park during construction. The signs shall be conspicuously sited to maximize visibility from the park entrance, bike path, and areas adjacent to temporarily fenced off construction zones and be designed to provide clear information to beach goers, park visitors, and bike path and pedestrian path users without adversely impacting public views and visual resources. Public access to and along the beach shall be maintained during construction.
4. **Construction and Pollution Prevention Plan.** PRIOR TO CONSTRUCTION, the permittee shall submit, for the review and written approval of the Executive Director, a final Construction and Pollution Prevention Plan (CPPP) prepared and certified by a qualified licensed professional. If a Storm Water Pollution Prevention Plan (SWPPP) is required by the Regional or State Water Quality Control Board, the SWPPP shall address, at minimum, all of the following requirements, where applicable.
- A. **Requirements of Construction Pollution Prevention Plan.** The CPPP shall demonstrate that the development complies with the following requirements:
    - a. **Minimize runoff and pollutant discharge.** During construction, development shall minimize site runoff and erosion through the use of temporary BMPs, and shall minimize the discharge of sediment and other potential pollutants resulting from construction activities (e.g., chemicals, vehicle fluids, petroleum products, cement, debris, and trash).
- Development shall implement the following types of construction-phase BMPs, as applicable to the project:
- (1) BMPs to minimize soil erosion and sedimentation. Erosion and sediment control BMPs, including:
    - i. Erosion control BMPs to prevent soil from being transported by water or wind (such as mulch, soil binders, blankets or mats, or temporary seeding).
    - ii. Sediment control BMPs to trap and remove eroded sediment (such as fiber rolls, silt fences, straw bales, and sediment basins).
    - iii. Tracking control BMPs to prevent tracking sediment by vehicles leaving the construction area (such as a stabilized construction entrance/exit, and street sweeping.)
  - (2) BMPs to minimize discharge of other pollutants from construction activities. BMPs to minimize the discharge of other pollutants resulting from construction

activities (such as paints, solvents, vehicle fluids, asphalt and cement compounds, trash, and debris) into runoff or coastal waters, including:

- i. BMPs to minimize polluted runoff from staging, storage, and disposal of construction chemicals and materials.
- ii. Site management “good housekeeping” BMPs implemented during construction, such as maintaining an inventory of products and chemicals used on site, and having a written plan for the clean-up of spills and leaks.

(3) BMPs to infiltrate or treat runoff. BMPs that will be implemented during construction, where necessary, to infiltrate or treat runoff prior to conveyance of runoff off-site.

- b. Stabilize soil as soon as feasible. Temporary soil stabilization BMPs (such as mulching, soil binders, erosion control blankets, or temporary seeding) shall be implemented on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.
- c. Minimize land disturbance and soil compaction. Development shall minimize land disturbance during construction (e.g., clearing, grading, and cut-and-fill) and shall phase grading activities, to avoid increased erosion and sedimentation. Development shall minimize soil compaction due to construction activities, to retain the natural stormwater infiltration capacity of the soil.
- d. Minimize damage or removal of vegetation. Development shall minimize the damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.
- e. Avoid plastic netting in temporary erosion and sediment control products. Development shall avoid the use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers), in order to minimize wildlife entanglement and plastic debris pollution.
- f. Use additional BMPs for construction near coastal waters. Development shall implement additional BMPs for construction taking place over, in, or adjacent to coastal waters, if there is a potential for construction chemicals or materials to enter coastal waters. BMPs shall include, where applicable:
  - (1) Designated fueling and maintenance area. Conduct fueling and maintenance of construction equipment and vehicles off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless these inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be

fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

- g. Manage construction-phase BMPs. Appropriate protocols shall be implemented to manage construction-phase BMPs (including installation, ongoing operation, inspection, maintenance, and training), to protect coastal water quality.
  - h. Use an appropriate BMP guidance manual. The selection of BMPs for the Construction Pollution Prevention Plan shall be guided by the current edition of the California Stormwater Quality Association (CASQA) Construction BMP Handbook, or by the current edition of a BMP manual that has been designed to address local or regional runoff conditions and has been approved by the applicable Regional or State Water Quality Control Board.
  - i. Dewatering BMPs shall be applied per the requirements of the San Diego Regional or State Water Quality Control Board.
- B. Content of Construction Pollution Prevention Plan. To comply with the CPPP requirements listed above, the CPPP shall include a construction site map and a narrative description addressing, at a minimum, the following required components, if they are applicable to the development:
- a. Construction site plan map. A map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).
  - b. Description of BMPs to be implemented to meet all CPPP requirements. A description of the BMPs that will be implemented to meet all the CPPP requirements listed in section C.3, above, and how these BMPs will minimize stormwater pollution resulting from the development during construction. Include calculations that demonstrate proper sizing of the BMPs.
  - c. Schedule of BMP installation and construction phasing. A schedule for installation and removal of temporary erosion and sedimentation control BMPs and identification of temporary BMPs that will be converted to permanent post-development BMPs. A construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.
  - d. Description of BMP Management. A description and schedule for the inspection, training, operation, and maintenance of construction-phase BMPs, including temporary erosion and sedimentation control BMPs, as needed to ensure that the Coastal Development Permit's water quality requirements are met.
- C. The permittee shall undertake development in accordance with the approved Construction Phase Pollution Prevention Plan (or SWPPP), unless the Commission amends this permit or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.

## 5. **Biological Resources.**

- A. *Nesting Bird Surveys.* For any construction activities, including vegetation removal, between February 15<sup>th</sup> and September 1<sup>st</sup>, the permittee shall retain the services of a qualified biologist to conduct nesting bird species surveys in order to determine the



presence of bird species including, but not limited to, California gnatcatchers, willow flycatchers, least Bell's vireo, black-crowned night herons, great blue herons, and snowy egrets. At least 30 calendar days prior to commencement of any project operations, the permittee shall submit the name and qualifications of the biologist, for the review and approval of the Executive Director. All project construction and operations shall be carried out consistent with the following:

1. The surveys shall be conducted 30 calendar days prior to construction activities, including any vegetation removal, to detect any active bird nests in all trees within 500 feet of the project. A follow-up survey must be conducted 3 calendar days prior to the initiation of vegetation clearance/construction and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first. These surveys shall be submitted to the Executive Director within two days of completion.
  2. If an active nest of a song, shore, or wading bird is found within 300 feet of a project work area, or an active nest for any raptor species is found within 500 feet of a project work area, no construction activities shall occur within these boundaries. No nests shall be removed or disturbed. If the permittee wants to proceed with work, the permittee's biologist shall monitor bird behavior and construction noise levels during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. Construction-related activities may occur only if noise levels are at or below a peak of 65 dB at the nest site(s). If noise exceeds a peak level of 65 dB at the nest site(s), sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction shall cease and shall not recommence beyond the boundaries described above until either new sound mitigation can be employed or the chicks have fledged.
- B. *Monarch Butterfly Surveys.* For any project activities, including vegetation removal, between October 1<sup>st</sup> and March 15<sup>th</sup>, the permittee shall retain the services of a qualified biologist with monarch butterfly monitoring experience to conduct biological surveys in order to determine the presence of Monarch butterflies (*Danaus plexippus*). At least 30 calendar days prior to commencement of any project operations, the permittee shall submit the name and qualifications of the biologist, for the review and approval of the Executive Director. The permittee shall ensure that the biologist shall conduct the surveys 30 calendar days prior to project activities, including any vegetation removal, to detect any *Danaus plexippus* in all trees within and immediately adjacent to Doheny State Beach Park. A follow-up survey must be conducted 3 calendar days prior to the initiation of vegetation clearance/construction and nest surveys must continue on a monthly basis throughout the overwintering season or until the project is completed, whichever comes first. These surveys shall be submitted to the Executive Director within two days of completion. If *Danaus plexippus* is found within 100 feet of the project, the permittee's biologist shall monitor project activities. The butterfly(ies) shall not be removed or disturbed. If recommended by the biologist, the permittee shall implement avoidance measures that may include but are not limited to stoppage of work until the individual(s) have left.

- C. *Wildlife Entrapment Avoidance*. Any pits, including but not limited to trenches and bore holes, shall not be left open or unattended; such areas shall be covered in a manner that prevents entrapment of wildlife. If wildlife becomes entrapped during construction, an appropriate wildlife rescue organization shall be contacted immediately.
- D. *Landscape Program*. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, in a form and content acceptable to the Executive Director, a final Landscape Program prepared by an appropriately licensed professional that includes the following:
1. A revised Landscape Plan, consistent with the Landscape Planting Plan (**Exhibit 2c**) received by the Commission on June 17, 2019, except that it shall be revised to:
    - i. Replace non-native plant species with native alternatives such as Coast Live Oak (*Quercus agrifolia*), Western Sycamore (*Planatus racemosa*), Torrey Pine (*Pinus torreyana*), and Hollyleaf Cherry (*Prunus ilicifolia*). In planting areas adjacent to San Juan Creek, appropriate native riparian species, such as Western Sycamore (*Planatus racemosa*), California Ash (*Fraxinus dipetala*), Coast Live Oak (*Quercus agrifolia*), Black Cottonwood (*Populus trichocarpa*), White Alder (*Alnus rhombifolia*), and Southern California Black Walnut (*Juglans californica*), shall be used.

No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a ‘noxious weed’ by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See:<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>). Any existing landscaping that doesn’t meet the above requirements shall be removed.
    - ii. Include a schedule for installation of plants.
    - iii. Include recommendations by a qualified biologist with knowledge of the micro-habitat needs of monarchs for appropriate restoration approaches for enhancing the Doheny State Park monarch overwintering aggregation site. Special care shall be taken in the monarch butterfly overwintering aggregation site.
    - iv. Include temporary and long-term irrigation and drainage plans. Temporary above ground irrigation to allow the establishment of the plantings is allowed. If using potable water for irrigation, the project shall use water-conserving emitters (e.g. microspray) and drip irrigation. Use of weather-based irrigation controllers and reclaimed water for irrigation is encouraged. The landscaping plan shall show all the existing vegetation and

any existing irrigation system along with notations regarding all changes necessary thereto to comply with the requirements of this special condition.

2. A Landscape Monitoring Plan that shall include, at a minimum:
  - i. The special conditions of Coastal Development Permit No. 5-19-0225, and require compliance with the special conditions.
  - ii. A monitoring schedule and methods for data collection.
  - iii. Performance standards and criteria for successful establishment of planted or replanted vegetation.
3. Five years from the date of issuance of Coastal Development Permit No. 5-19-0225, the permittee shall submit for the review and approval of the Executive Director, a landscape monitoring report prepared by a licensed resource specialist that assesses the successful establishment of any vegetation planted or replaced as a result of the approved development, as described in the staff report dated August 29, 2019.
4. If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the permittee, or successor in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised or supplemental landscaping plan must be prepared by a licensed Landscape Architect or qualified resource specialist and shall specify measures to remediate those portions of the approved landscaping plan that have failed or are not in conformance with the original approved plan.
5. The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
6. **Geotechnical Recommendations.** All recommendations of the geotechnical report titled "Geotechnical Investigations: Sewer System Rehabilitation, Doheny State Beach," prepared by Geocon Consultants Inc. and dated December 12, 2018 shall be adhered to including recommendations for site preparation, excavation support, trench dewatering, soil corrosion screening, pipe bedding and trench backfill, foundation and pipe loading design, and all other recommendations. Foundations shall be designed to facilitate removal and/or relocation of the structure and its foundation in the future. The permittee shall submit evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans, including foundations, grading and drainage plans, and certified that each of those final plans is consistent with all of the recommendations specified in the above referenced plan.
7. **Final Project Assessment and Evaluation Report.** The permittee shall submit a final Project Assessment and Evaluation report to the Executive Director within 60 days of completion of the report. This deadline may be extended for good cause with written approval from the Executive Director. The report shall include the pre-construction

baseline data, post-construction data, and results of the low pressure or hydrostatic leak test and close circuit television inspection collected by the applicant.

**8. No Future Shoreline Protective Device.**

- a) By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-19-0225 including, but not limited to, the relined, replaced, and/or abandoned sewer pipes, manholes, and/or lift stations, including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, groundwater intrusion, or other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under applicable law.
- b) By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including but not limited to, the relined, replaced, and/or abandoned sewer pipes, manholes, and/or lift stations, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above, or if any public agency requires the structures to be removed. The permittee shall obtain a coastal development permit for removal of approved development unless the Executive Director provides a written determination that no coastal development permit is legally required.
- c) Prior to removal/relocation, the permittee shall submit two copies of a Removal/Relocation Plan to the Executive Director for review and written approval. The Removal/Relocation Plan shall clearly describe the manner in which such development is to be removed/relocated and the affected area restored so as to best protect coastal resources, including the Pacific Ocean. In the event that portions of the development are inundated or fall to the bluffs or ocean before they are removed/relocated, the landowner shall remove all recoverable debris associated with the development from the bluffs and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

- 9. Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees: (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding, erosion, and earth movement, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee 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.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT LOCATION & DESCRIPTION**

Doheny State Beach is located in Orange County in the community of Dana Point. The 62-acre State Park is located to the south of Pacific Coast Highway, and adjacent to Dana Point Harbor (**Exhibit 1**). Doheny includes two sections separated by San Juan Creek. The northernmost section includes the park entrance and a day use area with a sandy beach, several large expanses of grass, picnic tables, restrooms, small park office with interpretive center, food concessions, and the North Day Use parking. The southern portion includes campground parking, restrooms, a day use area and the South Day Use parking. Altogether, the park has 1,267 existing parking spaces.

The California Department of Parks and Recreation (CSP) is proposing to reline or replace approximately 6,500 linear feet of existing aging sewer line (5,000 linear feet of 4 to 8-inch clay and iron gravity force main pipes and 1,500 linear feet of 4 and 6-inch PVC pipe sewer laterals (**Exhibit 2a**). The sewer system collects sewage generated from the park facilities (restrooms, sinks, water fill stations), which is then conveyed to the lift stations on-site, pumped to the South Coast Water District Sewer system (off-site), and then pumped to a treatment facility(ies) located inland of the project site. After initial investigations into the condition of the existing sewer infrastructure, CSP concluded that much of the existing sewer system within Doheny Beach State Park is in poor condition. A small amount of the existing sewer system, if not in poor condition, may be relined using cured-in-place-pipe liner. The remaining aged sewer infrastructure is proposed to be replaced. Sewer lines to be replaced in the same location will either be replaced by pipe bursting and left in-situ or will require retrenching, demolition, removal, and disposal of existing pipe and replacement with new heavy wall 6 to 8-inch PVC pipes with watertight gasketed joints or jointless high-density polyethylene pipe. Where trenching is required, new pipes will be installed on a deepened 1-foot rock trench foundation wrapped in geotextile fabric. Where excavation will exceed 8 to 10 feet above mean sea level (AMSL), dewatering will be required. Produced water will be plumbed to tanks, filtered, and discharged into the sewer system. Sewer lines to be replaced with a new alignment are proposed to be capped and abandoned-in-place.

In some cases, there is existing park vegetation where trenching is proposed. As proposed, trenching will result in the removal of native and non-native ornamental tree and shrub species including 1 Brazilian pepper tree (highly invasive), 8 Mexican fan palms, 3 eucalyptus trees (moderately invasive), 26 pink melaleuca, 2 sycamores (native), 11 toyon shrubs (native), 9 lemonade berry plants (native), and 1 Mexican elderberry (native). Removal of vegetation, as proposed, will be conducted outside of bird breeding season (February 15 to September 1). Upon backfilling the constructed trenches, the applicant is proposing to plant 16 pink melaleuca, 6 Torrey pine trees, one sycamore, 5 native cherry trees, 4 Mexican fan palms, 2 coyote brush, 19 toyon, 35 lemonade berry shrubs, 1 Mexican elderberry, and 7 laurel sumac in accordance with plant protection best practices. No planting of invasive species are proposed.

The proposed development also includes modifications to an existing lift station and construction of a new lift station, rehabilitation of 4 manholes and installation of 21 manholes. Specifically, the existing lift station in the campground is proposed to be rehabilitated with new pumps,

pipng, interior lining, and sealing of the wet wall. The new lift station, approximately 6 feet by 6 feet by 6 feet, is proposed to replace an existing underground pump station that is not meeting current requirements. It is located above ground in an existing maintenance yard surrounded by an existing 6-foot high fence to allow for easy maintenance.

To complete the project expeditiously with minimum impacts to public access, the applicant proposes phased closure of the Day Use areas between November 2019 and April 2020 in order to maintain access to the State Beach and Park amenities throughout construction, and temporary closure of the campground from November 15, 2020 through April 1, 2021 for project-related activities. As proposed, at least 634 parking spaces in the Day Use areas will remain available for public use on a first come, first serve basis throughout project construction on any given day. No permanent change in the number of parking spaces is proposed.

CSP is proposing to implement Project Avoidance and Minimization Measures (**Exhibit 3**) for the minimization of impacts to biological resources, archaeological resources, and water quality. These include tree protection measures, avoidance of construction during bird breeding season and monarch butterfly overwintering season, covering of open trenches or bore holes to avoid harm to wildlife, erosion and runoff control measures, preparation of a Stormwater Pollution Prevention Plan (SWPPP), and requirements to retain an archaeological monitor on-site during ground disturbing activities that would stop work if potentially sensitive resources are found. No tribal cultural resources are anticipated to be found within the project vicinity.

On January 7, 2019, the State Lands Commission determined that the proposed project is not subject to its leasing or permitting requirements. This project is funded through a Clean Beaches Initiative grant with the goal of reducing bacterial concentrations at public beaches as a result of prioritization of Doheny State Beach by the Clean Beaches Task Force (which is a group appointed by the State Water Board). As a result of this project, the sewer pipe crossing the bridge over San Juan Creek would be decommissioned and realigned under Pacific Coast Highway (Highway 1).

The City of Dana Point, the City in which the proposed project is located, has a certified Local Coastal Program; however, Doheny State Beach Park and the portion of Highway 1 affected by this development are located within the Commission's retained coastal development permit jurisdiction area. Therefore, a CDP from the Coastal Commission is required and the standard of review for the CDP application is Chapter 3 of the Coastal Act.

## **B. PUBLIC ACCESS & RECREATION**

The following Coastal Act policies protect the public's right to public access and recreation opportunities:

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...*

Section 30213 of the Coastal Act states:

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

Section 30220 of the Coastal Act states:

*Coastal areas suited for water-oriented recreational activities that cannot be readily provided at inland water areas shall be protected for such uses.*

Section 30221 of the Coastal Act states:

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Coastal Act section 30252 states:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

The Doheny State Beach Park provides coastal recreation opportunities, including beach camping, fishing, surfing, kayaking, windsurfing, swimming, beach volleyball, and other recreational activities, as well as open space for enjoyment of the park and sandy beach. During the proposed sewer system improvements project, the applicant proposes phased closure of the Day Use areas between November 2019 and April 2020 in order to maintain access to the State Beach and Park amenities throughout construction, and temporary closure of the campground

from November 15, 2020 through April 1, 2021 for project-related activities. CSP submitted an Access and Staging Plan (**Exhibit 2b**) that shows existing public beach accessways.

**Special Condition 3** requires the applicant to expand this plan to provide a clear description of the proposed phased closure of the day use areas, develop a public access signage plan to facilitate continued use of the park during construction, postpone proposed closure of the campground until after the Thanksgiving holiday weekend (peak holiday use), and minimize use of public parking spaces. Altogether, the park has 1,267 existing parking spaces. As proposed, at least half of the parking spaces in the Day Use areas will remain available for public use on a first come, first serve basis throughout project construction. State Parks plans on commencing project development Fall 2019 and finishing in Spring 2021 and avoiding work during peak beach use season; so, the Day Use area parking lots are not anticipated to exceed capacity. In addition, there are other public parking areas in the immediate project vicinity that service the beach and adjacent harbor. No permanent change in the number of parking spaces is proposed.

The proposed project includes connection of force main sewer line to existing sewer infrastructure via trenching below Pacific Coast Highway (PCH) between October 1<sup>st</sup> and November 15<sup>th</sup>, 2019. As proposed, there will be no complete closure of PCH; traffic will be temporarily diverted within or in close proximity to the PCH right-of-way. **Special Condition 1** requires the development to be carried out consistent with the proposed project. CSP is working with California Department of Transportation (Caltrans) on a Traffic Management Plan for coastal access along PCH (Highway 1), which is located immediately adjacent to (inland of) Doheny State Park. **Special Condition 2** requires the applicant to provide evidence of approval of the project from Caltrans prior to issuance of the coastal development permit. In any case, at this location, PCH is a one-way street directed away from the entrance to Doheny State Beach Park; so, while access heading downcoast along Highway 1 may be slowed during construction of the sewer improvements under PCH, the work is proposed outside of peak beach use season and no significant impacts to public access to Doheny State Park are anticipated.

As conditioned, the Commission finds that the development conforms with the public access policies of the Coastal Act.

### **C. MARINE RESOURCES AND WATER QUALITY**

The following Coastal Act policies protect marine resources from the effects of polluted runoff:

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine*



*organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams*

The existing sewer system at Doheny includes sewage transmission lines made of clay, plastic, and metal that, according to the applicant, are nearing the end of their useful life. Investigations of the aging infrastructure, including camera surveys, suggest that deficiencies, including pipeline sags and offsets, are present due to suspected soil settlement from groundwater fluctuations. Thus, CSP concluded that much of the existing sewer system within Doheny Beach State Park is in poor condition. With current conditions, seismic activity or rupture due to the age of the infrastructure and its location in a coastal environment could result in the discharge of sewage effluent directly into San Juan Creek, which discharges directly into the Pacific Ocean in an area with high recreational use and near a marine protected area. As a result of this project, the sewer pipe crossing the bridge over San Juan Creek would be decommissioned. This project is funded through a Clean Beaches Initiative grant with the goal of reducing bacterial concentrations at public beaches as a result of prioritization of Doheny State Beach by the Clean Beaches Task Force (which is a group appointed by the State Water Board).

New sewer lines are proposed to be heavy wall 6 to 8-inch PVC pipes with watertight gasketed joints or jointless high-density polyethylene pipe to strengthen the sewer system and prevent groundwater intrusion. Where trenching is required, new pipes are designed to be installed on a deepened 1-foot rock trench foundation wrapped in geotextile fabric to prevent soil migration and reduce settlement, which are the conditions that CSP contributes to the degradation of the existing infrastructure. **Special Condition 1** requires the development to be carried out consistent with the proposed project, as conditioned, including the applicant's sewer system improvement plans.

Project-related construction, including excavation and dewatering, has the potential to adversely impact water quality and marine resources if effluent is released or dewatered fluids are disposed of improperly. As proposed, where excavation will exceed 8 to 10 feet above mean sea level (AMSL), dewatering will be required. Produced water will be plumbed to tanks, stored, filtered, tested (as required), and discharged into the sewer system. **Special Condition 6** is imposed to require CSP to adhere to the recommendations in the geotechnical report, which include dewatering recommendations. In addition, CSP is proposing to implement Project Avoidance and Minimization Measures (**Exhibit 3**) for the minimization of impacts to biological resources and water quality, which include use of silt fencing, fiber rolls, and/or other erosion and runoff control measures and site management practices to ensure no material is discharged into San Juan Creek; implementation of best management practices (BMPs) for any sediment stockpiles; implementation of measures to ensure discharge does not contain toxic substances and will not increase turbidity or erosion; refueling and maintenance of equipment off-site; and preparation of a Stormwater Pollution Prevention Plan (SWPPP).

**Special Condition 1** requires the development to be carried out consistent with the proposed project, as conditioned, including the applicant's Project Avoidance and Minimization Measures and **Special Condition 4** requires development and implementation of a Construction Pollution

Prevention Plan, which can be incorporated into the applicant's SWPPP, that contains specific maps, plans for phased construction, and additional water quality BMPs to minimize runoff and pollutant discharge, minimize soil erosion and sedimentation, and avoid oil and other hydraulic fluid spills. **Special Condition 4** also requires dewatering BMPs be applied consistent with the requirements of the San Diego Regional or State Water Quality Board. **Special Condition 2** also requires the applicant to provide evidence of approval of the project from the appropriate Water Quality Control Board(s) prior to issuance of the coastal development permit. These special conditions also serve to protect San Juan Creek, which historically provided critical habitat for steelhead (not known to be present currently).

In addition, CSP is proposing to continue water quality monitoring for fecal indicator bacteria to compare post-project data to collected baseline data. The applicant is also proposing to conduct either a low pressure or hydrostatic leak test for water tightness and close a circuit television inspection post-construction. A final Project Assessment and Evaluation report is proposed to be prepared upon completion of the testing and data analysis and is required to be submitted to the Executive Director within 30 days of completion (**Special Condition 7**) to assess the success of the project and associated water quality impacts or improvements.

As described above, the project is proposed and conditioned to prevent adverse impacts to water quality and marine resources and designed to avoid such impacts for the expected life of the development. As proposed and conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

#### **D. LAND RESOURCES**

Coastal Act section 30244 states:

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Coastal Act section 30240(b) states:

*Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

#### **Archaeological Resources**

A CSP archaeologist determined that no known archaeological sites have been found in the project vicinity. In addition, according to the applicant, no tribal resources have been recorded within or near the project area and the Native American Heritage Commission notified CSP on September 20, 2018 that the Sacred Lands File search had negative results. Furthermore, per the applicant's Project Avoidance and Minimization Measures (**Exhibit 3**), CSP will have an archaeological monitor on-site during all ground-disturbing activities and if potentially significant resources are encountered, then work shall cease until a qualified resource specialist can evaluate the resource and implement appropriate protection measures. **Special Condition 1** requires the development to be carried out consistent with the proposed project, as conditioned, including the applicant's Project Avoidance and Minimization Measures. Thus, no adverse

impacts to archaeological resources are anticipated. As proposed, the project is consistent with Section 30244 of the Coastal Act.

### Coastal Habitat

There is existing park vegetation along the roadways, in the parking lots, in the street medians, and surrounding recreation areas. According to CSP records and the California Natural Diversity Database, no sensitive plants are known to be present in Doheny State Park. The landscaping at Doheny State Park is composed of isolated native, non-native, and invasive non-native plants that are not attached to contiguous sensitive habitat and, thus, do not rise to the level of environmentally sensitive habitat area (ESHA). The proposed trenching, in some locations, necessitates removal of some vegetation, which is shown in the table below. The applicant's current proposal to realign some of the sewer lines, rather than replace the pipes at their current location, was selected in order to minimize the amount of vegetation impacted by the project. As proposed, approximately 3% of Doheny State Park's vegetation would be temporarily removed. CSP is also proposing to replant affected vegetation areas with the plants listed in the table.

<b>Tree and Shrub Removal and Replacement</b>					
<i>Species</i>	<i>Existing</i>	<i>Proposed</i>	<i>Species</i>	<i>Existing</i>	<i>Proposed</i>
Carrotwood Tree	1	-	Fortnight Lilly***	±17	51
Eucalyptus Tree**	3	-	Russian Olive	3	4
Australian Willow	1	-	Toyon*	11	33
Flaxleaf Paperbark	3	3	Myoporum Laetum**	25	-
Pink Melaleuca	26	16	Lemonade Berry*	9	35
Tobira	1	1	Mexican Elderberry*	1	1
Sycamore Tree*	2	1	Cape Honeysuckle	1	-
Torrey Pine Tree*	1	6	Jade Plant	1	-
Pine Tree	1	-	Coyote Brush*	-	2
Yew Pine	1	-	Coast Sunflower*	-	±19
Holly Leafed Cherry*	2	4	Laurel Sumac*	-	7
Catalina Cherry*	1	1			
Brazilian Pepper**	1	-			
Mexican Fan Palm	8	4			
Red Alder	-	1			
Feather Myrtle	-	3			
Queen Palm	-	1			
<b>Total</b>	<b>52</b>	<b>41</b>	<b>Total</b>	<b>±68</b>	<b>±152</b>

\* Native plant species; \*\*Invasive plant species; \*\*\*Plants to be divided replanted

As shown above, CSP is proposing to remove native, non-native ornamental, and invasive non-native plants and plant or replant native and non-native ornamental species (**Exhibit 2c**). The applicant's proposal involves removal of a Brazilian pepper tree, a highly invasive tree species, and two moderately invasive species (California Invasive Plant Council designations), eucalyptus and myoporum, and planting additional native species at a higher native to non-native plant ratio than currently exists, which enhances the habitat value of the vegetated areas. Furthermore, key habitat indicator species (i.e. lemonade berry) are proposed to be planted in close proximity to one another, as opposed to scattered around the park, which also enhances the habitat value of the segmented vegetated areas within Doheny. No non-native invasive species are proposed to be planted.

**Special Condition 5D** requires the applicant to revise the planting plan to replace the non-native plant species with all native plant (including tree) species and appropriate native riparian species adjacent to San Juan Creek, which could include species like Coast Live Oak (*Quercus agrifolia*), Western Sycamore (*Planatus racemosa*), Torrey Pine (*Pinus torreyana*), Hollyleaf Cherry (*Prunus ilicifolia*), California Ash (*Fraxinus dipetala*), Black Cottonwood (*Populus trichocarpa*), White Alder (*Alnus rhombifolia*), and Southern California Black Walnut (*Juglans californica*). Per **Special Condition 5D**, the applicant must also provide temporary and long-term irrigation and drainage plans that encourage low water use. **Special Condition 5D** also requires the applicant to prepare a landscape monitoring plan that includes a monitoring schedule, data collection methods, performance standards, and success criteria to be evaluated through the development and submittal of a 5-year monitoring report to the Executive Director for review and written approval. If the monitoring report indicates that the planted vegetation did not establish successfully, then a new landscape monitoring plan must be developed and implemented.

Furthermore, per the applicant's planting plans, all tree and plant work is proposed to be performed in accordance with best practices, including protection of rootballs, use of aeration tubes, use of native soils, tree canopy care techniques, and protection of existing plants on-site, and with a natural resource specialist present. In addition, the applicant's Project Avoidance and Minimization Measures include additional plant protection measures including clean cutting of roots less than 2 inches in diameter, hand digging around roots with diameters greater than 2 inches, and avoidance of roots greater than 5 inches. **Special Condition 1** requires the development to be carried out consistent with the proposed project, as conditioned, including the applicant's vegetation removal and planting plans and Project Avoidance and Minimization Measures.

Therefore, as conditioned, the project not only improves the sewer system to prevent adverse impacts to water quality and marine resources due to the existing aged structures, but will also result in enhanced, location-appropriate, native vegetation areas within Doheny State Beach Park consistent with Section 30240(b) of the Coastal Act.

### **Wildlife**

As proposed, removal of vegetation would be conducted outside of bird breeding season (February 15 to September 1). However, considering sensitive bird species including California gnatcatchers, willow flycatchers, least Bell's vireo, black-crowned night herons, great blue herons, and snowy egrets have been reported in the project vicinity, **Special Condition 5A** ensures that if construction must be conducted during bird nesting season, then nesting bird surveys must be conducted and submitted to the Executive Director, and, if nests are found, appropriate buffers, monitoring, and implementation of construction noise mitigation measures are required. As shown in the table above, 52 trees are proposed be removed and 41 are proposed be planted. The resulting currently proposed loss of 11 trees is not expected to have a significant adverse impact on wildlife, including birds, because of the number of mature trees located in close proximity the areas impacted by proposed trenching activities within Doheny State Park Construction and the additional habitat value of new native tree and shrub species. In addition, per **Special Condition 5D**, the Executive Director must review and approve a revised planting plan, which requires planting of only native species and may include planting of additional trees. Furthermore, construction activities are proposed to be conducted between 8:00 am and 5:00 pm; thus, no impacts to birds or other wildlife due to nighttime construction lighting are anticipated.

To avoid adverse impacts to wildlife, the CSP Project Avoidance and Minimization Measures also include requirements to have a natural resources monitor present during project activities that may impact monarch butterflies and to cover open trenches or bore holes to prevent entrapment of animals. **Special Condition 5B** requires CSP to retain a qualified biologist to survey the site for Monarch butterflies and recommend avoidance measures, which the applicant must implement, and **Special Condition 5D** requires a biologist with knowledge about monarch butterfly micro-habitat to recommend measures to ensure that proposed planting activities continue or enhance butterfly habitat, which must be included in the revised planting plan for approval by the Executive Director. **Special Condition 5C** requires the permittee to ensure that any trenches or other holes constructed in association with the subject project are not left unattended and are covered and contact an appropriate rescue organization immediately if any wildlife is entrapped during construction.

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

## **E. DEVELOPMENT AND COASTAL HAZARDS**

Coastal Act section 30250 states, in part:

*New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

Coastal Act section 30251 states:

*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 views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

Coastal Act section 30253 states, in part:

*New development shall do all of the following:*

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Coastal Act section 30254 states, in part:

*New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

Coastal Act section 30254.5 states:

*Notwithstanding any other provision of this law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Section 30254 and 30412.*

### **Coastal Hazards**

Concentrations of atmospheric greenhouse gases have been increasing substantially in recent centuries, largely due to human-induced greenhouse gas emissions, which has resulted in considerable warming of the Earth and ocean. This global warming is causing and will continue to cause, among other things, sea levels to rise due to a combination of thermal expansion of ocean water and melting land ice. Depending on current and future concentrations of greenhouse gas emissions, scientists have developed projections of future sea level rise scenarios based on different emission scenarios and existing development. Sea level rise projections for Los Angeles, provided in the 2018 Ocean Protection Council Sea Level Rise Guidance, range from approximately 1.7 feet (low risk aversion) to 3.3 feet (medium-high risk aversion) to 5.0 feet (extreme risk aversion) of sea level rise by 2070, which according to the applicant would be the approximate end of the useful life of the proposed sewer system.

As our understanding of sea level rise continues to evolve, it is possible that sea level rise projections will continue to change as well. While uncertainty will remain with regard to exactly how much sea levels will rise and when, the direction of sea-level change is clear and it is critical to continue to assess sea level rise vulnerabilities when planning for future development. Importantly, maintaining a precautionary approach that considers high or even extreme sea level rise rates and includes planning for future adaptation will help ensure that decisions are made that will result in a resilient coastal California.

Doheny State Park is located in a low-lying, flood-prone area; however, using the Our Coast Our Future model (Coastal Storm Modelling System data), which is a publicly available tool for modeling impacts of sea level rise, even under an extreme risk aversion scenario (5 feet of sea level rise) with a 100-year storm, the sewer improvement areas are not expected to be subject to flooding or wave run-up by the end of the sewer system's 50-year anticipated life. Nonetheless,

the applicant considered relocating the entire sewer system inland, but found it to be economically infeasible because it would require relocating the public restrooms, and lifeguard headquarters, and other park facilities and utilities. The proposed location of the sewer improvements also minimizes landform alteration by replacing much of the sewer system in the current location or within close proximity to the existing sewer lines and facilities supported by the sewer system.

Additionally, the sewer system, as proposed, is designed to accommodate flooding through the inclusion of design elements such as the use of heavy wall PVC pipe, epoxy-coated manholes, manhole sealing inserts, and lift station improvements. The new pipes with gasketed joints and jointless segments will prevent groundwater intrusion and exfiltration of sewage. The new lift station, as proposed, is corrosion and weather resistant. Similarly, the epoxy-coating on the manholes will slow corrosion and prevent infiltration and exfiltration. If flooding does occur on-site, the manhole sealing inserts proposed to be added to new and existing manholes within Doheny will prevent water from entering the system.

While the project site is not anticipated to flood during the proposed life of the sewer infrastructure, **Special Conditions 8 and 9** are imposed requiring the applicant to assume the risks of the development and waive rights to future installation of a shoreline protective device as a precautionary approach given the uncertainty about the future conditions at this location. Specifically, Doheny State Beach Park is largely low-lying and flood-prone; thus, if there was a breach or substantial change in the morphology of the creek banks or beach (due to, per say, erosion caused by flash floods or high surf), then the development may be threatened. Given the high rates of erosion recently observed at the beaches fronting the South Day Use area and just downcoast of Doheny State Beach at Capistrano Beach, this hypothetical situation does not seem unrealizable.

Furthermore, sea level rise models indicate that the project site may be subject to inundation between 2080 and 2100 depending on risk levels and storm conditions groundwater; therefore, CSP may need to relocate the storm drain system inland and/or at a higher elevation in the future. If the subject development remains operational past its anticipated life or another coastal development permit is not obtained prior to impacts being realized or prior to such relocation of the sewer system, then **Special Condition 8** would ensure that impacts to coastal resources are minimized by requiring the permittee to remove the development if ordered by a public agency. Any removal plans would be subject to review and approval by the Executive Director (**Special Condition 8**). In any case, new development is not entitled to shoreline protection under the Coastal Act. CSP knowingly accepts such risk and waives the right to shoreline protection through acceptance of this permit.

As proposed and conditioned, the subject project has been designed to assure structural integrity and minimize risks to life and property. Therefore, the Commission finds that the development, as conditioned, conforms to Sections 30250 and 30253 of the Coastal Act.

### **Public Sewage Treatment Facility**

Section 30254 of the Coastal Act sets limitations on the approval of new or expanded public works facilities such that their development is scaled to accommodate needs generated by levels of development found by the Commission to be consistent with the Coastal Act. In this case, the proposed development involves replacement of existing aged sewer lines and would not be

significantly growth inducing. Therefore, the proposed development is consistent with Section 30254 of the Coastal Act. Coastal Act Section 30254.5 places limits on the Commission's ability to impose permit terms or conditions on the development of any sewage treatment plant that would prejudice or otherwise obviate the plant's ability to provide sewage treatment to any Coastal Act-consistent future development that the Commission determines could be accommodated by the plant. The special conditions of CDP No. 5-19-0225, including Special Condition 8 (No Future Shoreline Protective Device), are imposed on the subject development to preserve and enhance coastal resources and do not prevent the sewage treatment plant from providing public services. Per Special Condition 8, if the development is required to be removed or relocated, the Executive Director must review and approve the removal or relocation plan and determine that it conforms with Section 30254.5. Thus, as conditioned, the proposed development is consistent with Section 30254.5 of the Coastal Act

### **Structural Stability**

Relating to structural stability, Geocon Consultants, Inc. prepared a geotechnical report for the sewer system rehabilitation project that includes recommendations to assure the structural stability of the system. The report concludes that there are no soil or geologic conditions on-site that would preclude development of the proposed project, provided that the report's recommendations including appropriate trench dewatering, careful excavation, adherence to Cal-OSHA standards, corrosion-prevention, and use of appropriate backfill material. Based on the CSP plans, the deepened 1-foot rock trench foundation wrapped in geotextile fabric included in the proposed sewer system design is consistent with some of the bearing conditions/pipeline foundation and pipe loading design criteria recommendations in the geotechnical report; however, **Special Condition 6** is imposed to require CSP to adhere to all of the recommendations in the geotechnical report.

As proposed and conditioned, the subject project has been designed to assure structural integrity and minimize risks to life and property. Therefore, the Commission finds that the development, as conditioned, conforms to Sections 30250 and 30253 of the Coastal Act.

### **Visual Impacts**

While there may be temporary visual impacts to Doheny State Beach Park during construction, the proposed sewer system improvements are almost exclusively underground and will, therefore, not result in any permanent visual impacts. Similarly, the proposed vegetation removal may temporarily impact the aesthetic of the park, but new native vegetation will be planted to replace the removed trees and shrubs. The one structural element proposed to be located above ground is the new lift station, which has a proposed height of 6 feet. The new lift station is located in an existing maintenance yard that is screened by approximately 6-foot high fencing and vegetation. Thus, the proposed development will be compatible with the development in area and will not have a significant adverse impact on public views to and along the coast. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

## **F. LOCAL COASTAL PROGRAM**

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's retained coastal development permit jurisdiction area. Therefore, the Commission's standard of review for the proposed development is the



Chapter 3 policies of the Coastal Act. The certified City of Dana Point local coastal program is advisory in nature and may provide guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act.

### **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

On February 13, 2019, the California Department of Parks and Recreation, the lead agency for CEQA, determined that the proposed development is categorically exempt from CEQA, under CEQA Section 15301—Existing Facilities, finding that the proposed project is not anticipated to have any significant impacts to the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the development 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, has no remaining significant environmental effects, and complies with the applicable requirements of the Coastal Act to conform to CEQA.

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

*- City of Dana Point Local Coastal Program*