

**CALIFORNIA COASTAL COMMISSION**

South Coast District Office  
301 E Ocean Blvd., Suite 300  
Long Beach, CA 90802-4302  
(562) 590-5071



**F11b**

**5-19-0345-A2 (OC Parks & CA State Parks)**

**November 16, 2022**

**CORRESPONDENCE**



DYLAN WRIGHT  
DIRECTOR  
OC COMMUNITY RESOURCES

CYMANTHA ATKINSON  
ASSISTANT DIRECTOR  
OC COMMUNITY RESOURCES

JULIE LYONS  
DIRECTOR  
ADMINISTRATIVE SERVICES

ANDI BERNARD  
DIRECTOR  
OC ANIMAL CARE

JULIA BIDWELL  
DIRECTOR  
OC HOUSING & COMMUNITY  
DEVELOPMENT

RENEE RAMIREZ  
DIRECTOR  
OC COMMUNITY SERVICES

TOM STARNES  
DIRECTOR  
OC PARKS

JULIE QUILLMAN  
COUNTY LIBRARIAN  
OC PUBLIC LIBRARIES

# OC Community Resources

November 10, 2022

Item W14a

VIA EMAIL

California Coastal Commission  
*Via Email*  
301 E. Ocean Blvd., Suite 300  
Long Beach, CA 90802

**Regarding:** Item W14a, CDP Application No. 5-19-0345-A2  
Orange County Parks & California State Parks Nature-Based  
Adaptation Pilot Project

**Hearing Date:** November 16, 2022

Dear Chair Brownsey and Members of the California Coastal Commission,

Thank you for your time and consideration of the proposed Nature-Based Adaptation Pilot Project (project) for Capistrano Beach County Park and Doheny State Beach. Orange County Parks (OC Parks) wholly supports the staff recommendation to approve the project with the special conditions enumerated in the staff report.

The project site has been subject to a series of damaging high tide and storm events resulting in the loss of both County and State-owned public park facilities over the last eight years. In response, OC Parks has worked closely with State Parks, the City of Dana Point, and Coastal Commission Staff (Staff) to implement emergency actions over the last several years required to protect the parks' existing facilities that provide low-cost coastal access and to prevent or remedy hazards to public safety and the offshore environment resulting from increasingly severe erosion and infrastructure damage. These emergency actions reflected the County's attempt to protect public amenities, provide operational stability, and support continued public access while concurrently undertaking a Master Plan/Public Works Plan (PWP) process to determine in what way public access and recreational uses can be provided for the shoreline park given changing shoreline conditions into the future.

As a follow-up to the emergency CDPs, OC Parks submitted CDP 5-19-0345, resulting in the Commission's authorization of interim protection for the site pending the Commission's consideration of the nature-based adaptation pilot project, which is the subject of this CDP amendment request. We've appreciated the Commission's continued guidance as we

engaged in the planning process for the proposed pilot project in partnership with State Parks. The proposed project reflects the Commission's collaboration provided throughout the planning process, including elements of various project design and location alternatives, supporting technical analyses, and modeling. We understand some may have different ideas about how to respond to the shoreline erosion forces at the project site, but we believe the proposed pilot project, formulated in large part based on input from the Commission, agency stakeholders, and the public, provides the best opportunity for us to gain a better understanding of how nature-based shoreline erosion solutions may serve as viable options for our longer-term Master Plan/Public Works Plan improvement effort, as well as efforts to address shoreline erosion on a regional scale.

## **I. Project Overview**

The proposed project consists of an approximate 1,150 lf buried cobble berm with vegetated sand dune located along the shore of Capistrano Beach County Park (550 lf) and Doheny State Beach (600 lf). As presented to the Commission during our briefing hearing in August 2021, the proposed project was subject to an exhaustive alternatives analysis and technical modeling, considering various location and design options. The proposed project represents what was determined to be the preferred project alternative based on that analysis, as further refined in coordination with Staff. With State Parks as a project partner, the proposed pilot project meets all combined project goals identified with our partners and Staff and provides several project benefits not achievable with other alternatives considered:

- Develop a nature-based adaptation project for the site that provides valuable information for mid- and long-term plans;
- Longer project/shoreline length provides more data as to performance;
- Highest probability of success in protecting the shoreline;
- Minimizing risks to existing infrastructure and upcoast/downcoast shorelines if the pilot project protection is not successful;
- Potentially benefits the south reach of the beach as material disperses;
- Creates new, larger extent of dune habitat area; and
- Provides for cost-efficiency with larger scale project, thus better ensuring availability of funding to construct and maintain the project.

We expect that implementation and monitoring of the proposed nature-based adaptation pilot project will not only inform a longer-term sea level rise adaptation plan for the project area but also provide valuable information for our area's regional adaptation planning efforts currently underway. With the Commission's approval of the proposed project, we will be well positioned to obtain the additional regulatory approvals, further environmental review, and leverage funding to implement the project. We anticipate that these tasks will be completed by the end of next year, with the goal of project construction commencing soon thereafter, pending the availability of funding and sand and cobble supply as further explained below.

As noted in the Staff Report, OC Parks is also requesting to retain the interim protection for the balance of Capistrano Beach County Park located south of the pilot project for the duration of the pilot project CDP (seven years). Initially, OC Parks submitted the CDP amendment request for the pilot project with the intent to maintain the existing sandcubes (some of which have been replaced with larger sandbags) authorized by the Commission

as an interim protection measure. However, following a discussion with Staff and per their suggestion, OC Parks revised its CDP amendment request to allow for the replacement of the existing sandcubes and sandbags with rock as needed for maintenance.

During the authorized interim protection period, it has become clear that sandcubes have worn out their useful life and are no longer effective in providing adequate protection for the site, requiring OC Parks to commit significant resources to further removing and repairing existing park facilities damaged by high tides and storm events and replacing sandcubes as they've become dislodged and/or been subject to deterioration due to the shoreline conditions at this site. Given the limited performance of the sandcubes, OC Parks attempted to identify an option in the form of larger sandbags that would provide the same temporary protection but with higher strength material and less environmental pollution associated with deteriorated bags. As such, OC Parks pursued replacing existing deteriorated sandcubes along the parking lot with the larger sandbags that demonstrated good performance. Given that the site relies on some form of protection, Staff is recommending rock as the preferred interim protection. OC Parks is able to implement either the more resilient rock recommended by Staff or the larger sandbags as a means of site protection, pursuant to the Commission's direction. OC Parks fully acknowledges that the rock protection is considered a temporary and interim protection measure that will be reevaluated at the end of the permit period when the longer-term sea level rise adaptation plan for the park is reviewed and approved by the Commission as conditioned in the staff report.

#### **A. Project Funding**

In our August 2021 briefing to the Commission, we recognized that funding would be a primary constraint to project implementation. A preliminary cost estimate for the proposed project determined project costs to be roughly \$8 million - \$14 million. OC Parks has applied for several grants beginning in 2020, two of which, the Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) grant program and the National Fish and Wildlife Foundation (NFWF) National Coastal Resilience Fund (NCRF) grant program, have yet to be awarded. The proposed project advanced to round two review for the BRIC grant. If successful, the BRIC and NCRF grants could provide up to \$10 million and \$625,000, respectively, substantially meeting the funding requirements for the project. If unsuccessful, OC Parks will continue to pursue all available funding options for the project, including continuing discussions with the Coastal Conservancy.

#### **B. Sand and Cobble Supply**

Sand and cobble supply has also been identified as a significant constraint to project implementation, not due to the lack of a suitable supply but because the source and mode of transportation of available supply are major determinants of the overall project cost. OC Parks has completed a preliminary feasibility study that identifies and evaluates local inland sand sources suitable for placement at the project site and various methods of transport that could be available to supply the project. However, inland sand sources and associated transport are understood to be more costly than offshore sand supply options. As such, OC Parks is continuing to identify additional sand and cobble supply options to reduce project costs while concurrently pursuing project funding to ensure sand supply from inland sources is feasible should no other alternatives be identified.

## **II. Additional Adaptation Planning Efforts**

### **A. Master Plan/Public Works Plan Process**

OC Parks kicked off the Master Plan/PWP process for Capistrano Beach County Park in April 2019, and, beginning in March 2020, OC Parks and Staff have met monthly to coordinate adaptation project planning and permitting matters for the park and the south coast region at large. Though temporarily on hold pending the Commission's review of the proposed pilot project, the Master Plan/PWP process has to date involved a robust community and stakeholder engagement program intended to implement a long-term vision for the park that is responsive to the rapidly disappearing shoreline at this location, regional sand nourishment and/or offshore protection opportunities that might someday provide for a more stable beach environment in this locale, and the strong desire of all entities to maintain public use and enjoyment of the beach and coastal amenities. OC Parks remains committed to completing the Master Plan/PWP process as quickly as possible upon implementation of the pilot project, which is to become a primary source of information used to refine project alternatives previously identified for the park or to develop new project alternatives not previously considered. We anticipate the Master Plan/PWP process will be reinitiated early next year as we begin to refine the plan's analysis of the various options for the park, which will be better informed by the pilot project's performance and other solutions that may be identified through the South Orange County Regional Coastal Resilience Strategic Plan.

### **B. South Orange County Regional Coastal Resilience Strategic Plan**

OC Parks is the facilitator of the South Orange County Regional Coastal Resilience Strategic Plan, bringing together government agencies, nonprofits, and coastal homeowners to discuss the formation of a regional group intended to coordinate the implementation of regional shoreline management efforts to address chronically eroding shorelines in the southern portion of Orange County. A draft of the plan is slated to be released in Spring 2023.

## **III. Conclusion**

OC Parks thanks the Commission and Staff again for your time and consideration of the proposed nature-based adaptation pilot project and the comments included herein, and we wholly support the Staff Recommendation of approval with special conditions.

Respectfully Submitted,

  
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Natalia Gaerlan, Planning & Design Manager  
OC Parks

11/10/2022

\_\_\_\_\_  
Date

cc: Via Email  
Yasie Goebel, Chief of Staff, Office of OC Supervisor Lisa Bartlett  
Riley Pratt, California State Parks  
Matthew Sinacori, Director of Public Works/City Engineer, City of Dana Point





November 7, 2022

Ms. Dani Ziff  
California Coastal Commission  
South Coast District Office  
301 East Ocean Boulevard  
Suite 300  
Long Beach, CA 90802-4302

**SUBJECT: PUBLIC COMMENT ON NOVEMBER 16, 2022 AGENDA ITEM  
14a – APPLICATION NO. 5-19-0345-A2 (OC PARKS, DANA  
POINT)**

Dear Ms. Ziff:

The City of Dana Point (City) is submitting this letter as a public comment to Agenda Item 14a on the November 16, 2022 Agenda (Application No. 5-19-0345-A2).

The City is supportive of the planned work at Capistrano County Beach submitted by OC Parks (proposed Project) as outlined and recommended by California Coastal Commission (CCC) staff in the Staff Report. The City also wanted to remind the CCC staff of some background on this item related to critical infrastructure that exists on a portion of Capistrano County Beach.

### Background

The City of Dana Point owns a multi-million dollar storm drain/water quality treatment facility (Facility) at Capistrano County Beach. Historically, the Facility has been buffered from the ocean by a substantial sandy beach and a paved trail operated by OC Parks. In the past five years and most notably in 2019, the sandy beach and a substantial portion of the trail were eroded by wave action. The City's storm drain outlet pipes were undermined and visible on the beach, and the storm drain structures/solids separation unit/water quality diversion were in immediate threat of failure. Continued erosion of just a few feet could have resulted in the destruction of the Facility, causing deposition of facility debris into the ocean along with discharge of storm drain runoff that the City is required to treat. In addition, failure of the Facility could have caused collateral damage to infrastructure in close proximity to the Facility. In other words, if the Facility were subject to destruction from substantial wave action, the combination of uncontrolled storm drain flows and wave action could also erode the adjacent wood poles that support electrical lines that serve numerous residences, traffic signals, railroad crossing controls, utility lines including wastewater pipelines, and other infrastructure. Further, the railroad tracks could have been directly impacted by erosion.

As a result, the City and OC Parks both requested emergency permits from the CCC to proceed with placing temporary protective devices (sand cubes) at Capistrano County Beach immediately adjacent to the Facility to protect it from damage.

The City realizes that the sand cubes are being recommended for removal with this Project and a rock revetment under the living shoreline berm is planned. The City requests that the sand cube replacement be done in a manner as to not impact infrastructure, possibly in a phased approach.

### Other Considerations

Other important considerations that the proposed Project addresses are noted below.

1. Coastal Trail (Pedestrian/Bicyclists) – The Coastal Trail connection at Capistrano County Beach continues to provide a critical link to bicyclists and pedestrians to connect the continuous Coastal Trail from San Clemente to Doheny State Beach and Dana Point Harbor. Without that connection, those modes are forced onto Coast Highway and other roadway type facilities creating potential safety issues for some users. Allowing this Coastal Access to be maintained provides an important resource to the community in a safe, beautiful environment.
2. Vehicle Access to Beach Road/Parking Lot – This Project proposes to protect the existing parking lot and maintain the turnaround as you enter the parking lot. The busy railroad corridor is immediately adjacent to the existing turnaround/parking lot. If that turnaround is not maintained, vehicles, including emergency vehicles, would have difficulty accessing the area and could back up on the railroad tracks.
3. Maintaining Existing Utilities/Infrastructure – There are substantial utilities in the area including the at-grade railroad crossing, a major sewer line, storm drain facilities, overhead power, etc. This Project provides protections to all of that infrastructure.

In summary and as noted in the beginning of this letter, the City is supportive of the proposed Project as submitted. Further, the City looks forward to continuing to work with all of the stakeholders connected to Capistrano County Beach to assure access to the coast.

Please, again, submit this letter into the record as a public comment for Agenda Item 14a on the November 16, 2022 Agenda (Application No. 5-19-0345-A2).

Thanks for your consideration and please contact the Director of Public Works/City Engineer, Matthew Sinacori, at (949)248-3574 or at [msinacori@danapoint.org](mailto:msinacori@danapoint.org) with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Killebrew". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mike Killebrew  
City Manager

cc: City Council  
Kelly Reenders, Assistant City Manager  
Brenda Wisneski, Director of Community Development





November 14, 2022

To: Donne Brownsey, Chair, California Coastal Commission  
Cc: John Ainsworth, Executive Director, California Coastal Commission  
Karl Schwing, District Director, California Coastal Commission  
Dani Ziff, District Supervisor, California Coastal Commission

**Re: Item W14a, Capistrano Beach Nature Based Adaptation Project and shoreline armoring**

Dear Chair Brownsey and Honorable Commissioners,

The Surfrider Foundation (Surfrider) is a nonprofit grassroots organization dedicated to the protection and enjoyment of the world's ocean, waves, and beaches for all people through a powerful activist network. The South Orange County chapter has been working to protect Capistrano Beach's public bluffs and beach for many years and applauds the plan to construct a nature-based adaptation project at the northwest end of Capistrano Beach County Park.

Surfrider is deeply concerned, however, about the plan to replace approximately 1,000 linear feet of sand cubes with large boulders—i.e., riprap—to armor an underused parking lot. Surfrider contends that the project should be amended to include:

- Managed retreat of the parking lot, including removal of current sand cubes, with allowances for ADA parking and access;
- Complete commitment to and support of the nature-based adaptation pilot project;
- A full managed retreat and nature based adaptation project plan for the entire site upon success of the pilot project; and
- A full and detailed financing plan for the pilot project and long-term managed retreat plan in the Coastal Development Permit application.

Below, we outline our rationale for requesting that the Commission support the nature-based project in the North Reach and reject the armoring proposal in the Southern Reach. In short, Capo Beach's extreme vulnerability to storm surge and sea level rise makes it ripe for a managed retreat and nature based adaptation—the beach will disappear without one and we support what is being proposed at the North Reach. Armoring the Southern Reach, however, should be avoided at all costs. Armoring here should be considered illegal, because the parking lot is not an existing structure; and regardless there is more than sufficient coastal access in the area even without the parking lot. It is unrealistic to think that armoring the South end of the beach will



soon facilitate an expanded nature-based project spanning the length of Capo Beach since rip rap is rarely removed, and the Commission has explicitly denied the use of rocks for armoring for shoreline protection here in the past.

### **The Nature-Based Adaptation Is a Much-Needed Pilot Project**

Surfrider believes in the nature-based adaptation pilot project. Nature-based shorelines preserve and improve habitat value, sustain resilient coasts, purify water, and tend to cost less than hard shorelines over the long term. The National Oceanic Atmospheric Administration (NOAA) has helped oversee more than 200 living shoreline projects since 1998, but living shorelines and nature-based adaptation projects in California are still somewhat uncommon. With this project, OC Parks and the Coastal Commission have the chance to initiate a crucial proof-of-concept for beaches throughout California as the State seeks to overcome the challenges of climate change and resulting coastal erosion.

It is not uncommon to see parts of Capistrano Beach closed due to safety concerns stemming from storm surges and high tides. A nature-based adaptation project is a long-term solution that will reduce wave energy and promote coastal resilience in the face of stronger storms. This project, along with a similar project currently underway in Upper Newport Bay, will be watched carefully by governing bodies up and down the coast who are themselves grappling with similar problems and seeking long-term solutions. Surfrider supports this pilot project because we believe Capistrano Beach can and should serve as an example for proper coastal protection and management.

### **The Armoring of the South Reach Is a Mistake**

OC Parks' proposal to replace almost 500 linear feet of sandbags and sand cubes with large rock riprap is a band-aid solution to a long-term problem and must not be approved by the Commission. The proposal not only contravenes coastal management law; it could also undermine the success of the essential nature-based adaptation pilot project.

Surfrider contends that the parking lot should not be subject to the protections of Section 30235 of the Coastal Act, given that it protects only "existing structures." The Coastal Commission has ruled that structures which have been renovated to the point that they are considered "redeveloped" are not entitled to seawall protection.<sup>1</sup> The staff report acknowledges this site has

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<sup>1</sup> CALIFORNIA COASTAL COMM'N STAFF, STAFF REPORT: SAN DIEGO ASS'N OF GOVERNMENTS DEL MAR BLUFFS STABILIZATION PROJECT 5, 24-25 (June 8, 2022), <https://documents.coastal.ca.gov/reports/2022/6/W7b/W7b-6-2022-report.pdf>



“remove[d] significant amenities ... such as parking, a basketball court, and numerous trees” due to storm surges, high tides, and coastal erosion, and that “this trend is expected to continue and accelerate.” As a result, these significant redevelopments cannot be “emergency” redevelopments, which would enable the construction of a seawall under Section 30235, because the Staff Report says that the conditions that caused these redevelopments were “expected.” Instead, if the removal of parking spaces, a basketball court, and numerous trees is interpreted in accordance with Coastal Commission precedent, the parking lot has been “redeveloped” after the effective date of the Coastal Act on January 1, 1977. Therefore, Section 30235 does not allow the construction of a new seawall. Courts have discouraged private property owners for using foreseeable coastal weather as a loophole to armor their property under the guise of “emergencies” and the Coastal Commission would do well to follow the courts’ lead.<sup>2</sup>

Even if the Commission finds the parking lot may be protected by a seawall under Section 30235, public policy allows better solutions than endless “temporary” solutions.

First, the coastal armoring of the Capistrano Beach parking lot is not needed to preserve beach access. Surfrider is an organization dedicated to coastal access, but in this case there is more than sufficient parking in the area. There are 240 free parking spots along Pacific Coast Highway in this area that provide access to the beach, and the majority of these spots are unused. The decision to fund the protection of a failing structure for underused parking capacity is a ridiculous return on investment.

Second, armoring the south reach can hinder the nature based adaptation pilot program, compromising its efficacy and limiting its use as an example for future projects. The use of hard armoring in one area merely diverts the wave energy to adjacent areas, making those areas even more vulnerable. If armoring is used on the south reach, it will be impossible to properly determine how much benefit the nature based project could actually provide if allowed to exist on its own.

Moreover, the County claims that a successful nature-based adaptation project at the north reach could lead to the implementation of a nature-based shoreline at the south reach. This claim is unrealistic in the context of its plan to armor the south reach with riprap. There are few examples of riprap being removed, and it is unlikely that the County would opt to do such a thing, even in the wake of a successful nature-based adaptation project. The most reasonable project would be a nature-based adaptation for the entire site at the same time, accompanying a managed retreat of the parking lot and full commitment to long-term certainties.

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<sup>2</sup> See *Barrie v. California Coastal Comm’n*, 196 Cal. App. 3d 8, 18 (Cal. Ct. App. 1987)



Third, the current plan intends to use rock instead of sand blocks, which runs contrary to previous Coastal Commission conditions. On December 9, 2020, the Coastal Commission approved a prior permit in this location which *prohibited* the addition of armor rock and required OC Parks to find a nature-based solution.<sup>3</sup> It is inconsistent to allow OC Parks’ “nature-based” solution to include the very type of armoring the Coastal Commission *rejected*, especially given that the permit in question was limited to one year and OC Parks now asks for a seven-year term.

Government agencies and the tax-paying public cannot afford to continue funding short-sighted solutions for an area that the staff report acknowledges is a long-term problem, for little to no return on investment. Instead, the time has come to embrace the restoration of an actual beach via a full nature-based adaptation at Capistrano Beach with managed retreat in the south reach. Surfrider requests that the Commission accept the proposal regarding the nature-based adaptation project for the north reach and reject the proposal to heavily armor the south reach, knowing that the proposal to drop boulders there is costly and a huge deterrent to the more reasonable long term strategy promoted by the Commission for embattled areas like this: managed retreat.

**We therefore ask that the Commission approve the nature based adaptation project in the North Reach and reject permitting any riprap for the South Reach so that the County can pursue managed retreat with nature based adaptation for this portion of the beach as well.**

Sincerely,

Denise Erkeneff  
Chapter Coordinator  
Surfrider Foundation  
South Orange County Chapter

Michael Vine  
J.D. Candidate  
University of California, Irvine School of Law

Mandy Sackett  
California Policy Coordinator  
Surfrider Foundation

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<sup>3</sup> CALIFORNIA COASTAL COMM’N STAFF, CDP No. 5-19-0345 (Dec. 9, 2020)