

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 6-24-0315

Applicant: CA Dept. of Parks and Recreation

Agent: Sophia Bozone

Location: 2050 S Coast Hwy, Encinitas, San Diego County
(APN: 260-330-02-00; 261-020-11-00)

Project Description: Upgrade twelve campsites, two overlooks with outdoor showers, and ten water stations with accessibility improvements at the San Elijo State Beach campground.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

San Elijo Campground is a state-owned and operated facility located atop coastal bluffs on the north side of the mouth of the San Elijo Lagoon ([Exhibit 1](#)). The facility offers public access to the beach and opportunities for overnight camping. The San Elijo Campground currently contains 165 reservable campsites (28 with utility hookups), with some accommodating larger trailers and recreational vehicles, some with paved parking spaces, while others are covered with aggregate. Each campsite contains a picnic table and firepit, with a central dump station in the middle of the campground. Water stations are located through the campground along the main central loop road, along with six comfort stations. There are five overlooks with wooden stairways that descend the bluff face down to the beach, each having an outdoor shower at the top along with trash receptacles, interpretive panels, and drying racks.

The proposed development ([Exhibit 2](#)) would upgrade twelve existing campsites located throughout San Elijo campground, and consists of a mix of site configurations (bluff top and inland, with and without utility hookups). The twelve campsite improvements consist of new five-inch thick permeable concrete parking pads over five inches of underlying base rock, new six-inch thick compacted aggregate in the picnic and tent areas, and replacing utility hookups, tables, and firepits with accessibly-designed units. The two overlook improvements include new five-inch thick permeable concrete paths over five inches of underlying base rock, replacing the showers with accessibly designed units connected to the existing sewer system, and replacing benches, trash receptacles, and decking with accessibly designed units. Finally, ten water stations will be replaced with accessibly designed spigots. State Parks anticipates construction to begin during winter of 2025 and take place over two to four winter periods (2025 to 2028), defined by State Parks as September 15 to February 15.

Because San Elijo Campground is a popular coastal destination even during the offseason, and its narrow configuration atop a bluff between the beach and Highway 101 means ingress, egress, and internal circulation can be adversely impacted by new construction, **Special Condition No. 1** requires final construction plan showing that the accessibility upgrades will not impede existing public uses or decrease the number of campsites. Furthermore, a staging and storage plan showing that equipment will be stored in the existing maintenance yard or the campsite being actively worked on, and not be stored on actively used public areas, must be provided. **Special Condition No. 3** prohibits construction from occurring during the summer season, defined as Memorial Day Weekend to Labor Day, so as to avoid the period of highest visitation at San Elijo Campground. To ensure that the accessibility improvements are constructed with the recommended measures to protect geologic stability in place, **Special Condition No. 1** requires the submittal of final construction plans. To ensure that the accessibility improvements incorporate the required water quality measures that will reduce runoff flows, **Special Condition No. 1** requires the submittal of final project plans showing the final improvement design. Final staging and storage plans limiting it to the existing maintenance yard or campsite being improved upon will also be required. **Special Condition No. 2** requires the submittal and compliance with construction and pollution prevention plans to avoid and minimize any adverse impacts on water quality during construction of the project.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-24-0315, as conditioned. The motion is on page 4. The project site traverses the jurisdiction boundary between the Coastal Commission and the City of Encinitas, and the development is being processed as a consolidated permit. Thus, the standard of review is Chapter 3 of the Coastal Act with the certified City of Encinitas Local Coastal Program used as mandatory guidance.

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EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Project Plans](#)

[Exhibit 3 – Site Photos](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 6-24-0315 pursuant to the staff recommendation.

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

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent 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 applicant to bind

all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Submittal of Final Plans.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of the following plans:

- i. Final construction plans that conform to the plans submitted to the Coastal Commission titled "San Elijo State Beach Campground Accessibility Improvements" dated August 29, 2022.
- ii. Construction staging and storage plans that show construction staging and storage occurring within the boundaries of the existing maintenance yard at the north end of San Elijo State Beach Campground.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. Construction and Pollution Prevention Plan.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a final Construction and Pollution Prevention Plan. The final Plan shall demonstrate that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:

A. Protect Public Access. Construction shall protect and maximize public access, including by:

1. Staging and storage of construction equipment and materials (including debris) shall not take place in intertidal waters, or on beaches, bluffs, or campsites otherwise not receiving accessibility upgrades. Staging and storage of construction equipment and materials shall occur in inland areas at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible. Upon a showing of infeasibility, the applicant may submit a request for review and written approval to the Executive Director for staging and storage of construction equipment and materials closer than 50 feet from coastal water, drainage courses, and storm drain inlets.

Construction is prohibited outside of the defined construction, staging, and storage areas.

2. All construction methods to be used, including all methods to keep the construction areas separated from public recreational use areas (e.g., using unobtrusive fencing or equivalent measures to delineate construction areas), shall be clearly identified on the construction site map and described in the narrative description (see Section H).
 3. All beaches, beach access points, and other recreational use areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.
 4. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- B. Property Owner Consent.** The Construction and Pollution Prevention Plan shall be submitted with evidence indicating that the owners of any properties on which construction activities are to take place, including properties to be crossed in accessing the site, consent to use of their properties.
- C. Minimize Erosion and Sediment Discharge.** During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:
1. Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.
 2. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil 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.
 3. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sandbag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.
 4. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to

prevent tracking sediment off-site by vehicles leaving the construction area.

5. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) that will be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.

D. Minimize Discharge of Construction Pollutants. The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:

1. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:
 - a) Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.
 - b) Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.
 - c) Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.
 - d) Prompt removal of all construction debris from the beach.
 - e) Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.
2. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall not take place on the beach and shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those 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.

E. Minimize Other Impacts of Construction Activities. Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:

1. The damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction shall be minimized, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.
2. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.
3. 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) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.

F. Construction In, Over, or Adjacent to Coastal Waters and Habitat. Construction taking place in, over, or adjacent to coastal waters and habitat shall protect the coastal waters and habitat by implementing additional BMPs, including:

1. No construction equipment or materials (including debris) shall be allowed at any time in the intertidal zone, on the beach, or on the bluffs.
2. Construction activity shall not be conducted below the mean high tide line, unless tidal waters have receded, and the area is part of the authorized work area.
3. All work shall take place during daylight hours, and lighting of the beach and ocean area is prohibited.
4. All construction equipment and materials placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction equipment and materials shall be removed in their entirety from the beach area by sunset each day that work occurs. The only exceptions shall be for erosion and sediment controls or construction area boundary fencing, where such controls or fencing are placed as close to the base of the seawall/bluff as possible and are minimized in their extent.

5. Tarps or other devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters.
 6. All erosion and sediment controls shall be in place prior to the commencement of construction, as well as at the end of each workday. At a minimum, if grading is taking place, sediment control BMPs shall be installed at the perimeter of the construction site to prevent construction-related sediment and debris from entering the ocean, waterways, natural drainage swales, and the storm drain system, or being deposited on the beach.
 7. Only rubber-tired construction vehicles shall be allowed on the beach; the only exception shall be that tracked vehicles may be used if the Executive Director agrees in writing that they are required to safely carry out construction. When transiting on the beach, all construction vehicles shall remain as high on the upper beach as possible and shall avoid contact with ocean waters and intertidal areas.
 8. All debris resulting from construction activities shall be removed from the beach within 24 hours.
 9. If preservative-treated wood is used, appropriate BMPs shall be implemented that meet industry standards for the selection, storage, and construction practices for use of preservative-treated wood in aquatic environments; at a minimum, those standards identified by the Western Wood Preservers Institute, et al. in *Treated Wood in Aquatic Environments: A Specification and Environmental Guide to Selecting, Installing and Managing Wood Preservation Systems in Aquatic and Wetland Environments* (2012) or current revision thereof (<http://www.wwpinstitute.org/documents/TWinAquaticEnvironments-withLinks12.20.12.pdf>). The preservative-treated wood shall be certified by a third party inspection program, as indicated by the presence of a BMP Quality Mark or Certificate of Compliance, to have been produced in accordance with industry BMP standards designed to minimize adverse impacts in aquatic environments.
- G. **Manage Construction-Phase BMPs.** Appropriate protocols shall be implemented to manage all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training), to protect coastal water quality.
- H. **Construction Site Map and Narrative Description.** The Construction and Pollution Prevention Plan shall include a construction site map and a narrative description addressing, at a minimum, the following required components:

1. 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).
 2. A description of the BMPs that will be implemented to minimize land disturbance activities, minimize the project footprint, minimize soil compaction, and minimize damage or removal of non-invasive vegetation. Include a construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.
 3. A description of the BMPs that will be implemented to minimize erosion and sedimentation, control runoff and minimize the discharge of other pollutants resulting from construction activities. Include calculations that demonstrate proper sizing of BMPs.
 4. A description and schedule for the management of all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training). Identify any temporary BMPs that will be converted to permanent post-development BMPs.
- I. **Construction Site Documents.** The Construction and Pollution Prevention Plan shall specify that copies of the signed CDP and the approved Construction and Pollution Prevention Plan be maintained in a conspicuous location at the construction job site at all times, and be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction and Pollution Prevention Plan, and the public review requirements applicable to them, prior to commencement of construction.
- J. **Construction Coordinator.** The Construction and Pollution Prevention Plan shall specify that a construction coordinator be designated who may be contacted during construction should questions or emergencies arise regarding the construction. The coordinator's contact information (including, at a minimum, a telephone number available 24 hours a day for the duration of construction) shall be conspicuously posted at the job site and readily visible from public viewing areas, indicating that the coordinator should be contacted in the case of questions or emergencies. The coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

The permittee shall undertake development in accordance with the approved Construction-Phase Pollution Prevention Plan, unless the Commission amends this permit, or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.

3. **Timing of Construction.** No construction work may occur from Memorial Day weekend to Labor Day, inclusive, in any calendar year.

4. Assumption of Risk, Waiver of Liability, and Indemnity Agreement.

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, landslide, bluff retreat, 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 Description and Background

The California Department of Parks and Recreation (State Parks) is required under a 2005 Federal Consent Decree (*Tucker v. California Department of Parks and Recreation*) to provide accessible features at all State Parks facilities to better accommodate visitors with disabilities, and State Parks' "2001 Transition Plan" aims to retrofit all State Parks facilities by 2035. As part of this initiative, State Parks proposes to upgrade twelve campsites, two overlooks with showers, and ten existing water stations at San Elijo State Beach Campgrounds (San Elijo Campground) to current accessibility compliance standards.

San Elijo Campground is a state-owned and operated facility located atop coastal bluffs on the north side of the mouth of the San Elijo Lagoon ([Exhibit 1](#)). The facility offers public access to the beach and opportunities for overnight camping. The San Elijo Campground currently contains 165 reservable campsites (28 with utility hookups), with some accommodating larger trailers and recreational vehicles, some with paved parking spaces, while others are covered with aggregate. Each campsite contains a picnic table and firepit, with a central dump station in the middle of the campground. Water stations are located throughout the campground along the main central loop road, along with six comfort stations. There are five overlooks with wooden stairways that descend the bluff face down to the beach, each having an outdoor shower at the top along with trash receptacle, interpretive panels, and drying racks.

The proposed development ([Exhibit 2](#)) would upgrade twelve existing campsites located throughout San Elijo campground consisting of a mix of site configurations (bluff top and inland, with and without utility hookups). The twelve campsite improvements consist of new five-inch thick permeable concrete parking pads over five inches of underlying base rock, new six-inch thick compacted aggregate in the picnic and tent areas, and replacing utility hookups, tables, and firepits with accessibly-designed units. The two overlook improvements include new five-inch thick permeable concrete paths over five inches of underlying base rock, replacing the showers with accessibly designed units connected to the existing sewer system, and replacing benches, trash receptables, and decking with accessibly designed units. Finally, ten water stations will be replaced with accessibly designed spigots. State Parks anticipates construction to begin during winter of 2025 and take place over two to four winter periods (2025 to 2028), defined by State Parks as September 15 to February 15.

The project site is both within an area of original jurisdiction and within the jurisdiction of the City of Encinitas, and the development is being processed as a consolidated permit. Thus, the Chapter 3 policies of the Coastal Act with the certified Local Coastal Program for the City of Encinitas as the mandatory guidance are the standard of review.

B. Public Access and Recreation

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 relevant part:

- (b) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. [...]

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.

Section 30.80.120 of the Encinitas Municipal Code states in relevant part:

- A.** Access Required. As a condition of approval and prior to issuance of a coastal development permit or other authorization for any new development identified in paragraphs 1 through 4 of this section, except as provided in subsection **B** of this section, an offer to dedicate an easement (or other legal mechanism pursuant to Section [30.80.120K2](#), for one or more of the types of access identified in subsections **C** through **F** of this section shall be required and shall be supported by finding required by subsections **M** through **O** of this section; provided that no such conditions of approval shall be imposed if the analysis required by paragraphs M1 and M2 of this section establishes that the development will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources.
- B.** Exceptions. Subsection **A** of this section shall apply except in the following instances:

Project excepted from the definition of "new development" in paragraph A2 of this section, where findings required by subsections **M** and **N** of this section establish any of the following:

1. Public access is inconsistent with the public safety, military security needs, or protection of fragile coastal resources;
2. Adequate access exists nearby; or
3. Agriculture would be adversely affected.

Exceptions identified in this subsection **B** shall be supported by written findings required by subsection **O** of this section.

San Elijo Campground is a popular overnight and daytime recreational facility that serves both local and regional visitors to the coast, with its location atop a bluff overlooking the public beach making it suitable for a wide range of coastal recreation. The accessibility upgrades proposed by State Parks will make the campground more inviting to a broader range of the public, further encouraging visitation.

State Parks is scheduling the accessibility upgrades during the slower winter season, defined as September 15 to February 15, to minimize disruption to campground operations. State Parks will further minimize disruption by upgrading one campsite or overlook at a time to limit the number of sites that are closed for construction, working mostly between the hours of 8 AM and 4 PM. Each campsite or overlook will be fenced off during construction and take approximately four weeks to upgrade, with the goal of completing four-to-five sites per winter season. Once the upgrades are complete at a site, State Parks plans to immediately reopen that site to the public.

It is possible that construction noise may affect campsites adjacent to the campsite being worked on such that State Parks may close them for a portion of the work, though it is unknown at this time if such action will be needed. However, it is important to note that San Elijo Campground contains 165 camping sites, of which only twelve (seven percent) would be undergoing improvements, one at a time. Even if it was necessary for State Parks to close the two campsites neighboring each campsite while it was being improved, it would represent a very small percentage of the overall inventory. That, coupled with the work occurring during the off-season means it is likely that such closure, should it turn out to be necessary, would have a less than substantial impact on public access and recreation.

San Elijo Campground has an existing fenced, paved maintenance yard at the north end where State Parks will conduct staging and storage of equipment not being used at the campsite currently being worked on. Traffic controls will be in place when concrete deliveries are being made to minimize disruption to visitor traffic.

Because San Elijo Campground is a popular coastal destination even during the offseason, and its narrow configuration atop a bluff between the beach and Highway 101 means ingress, egress, and internal circulation can be adversely impacted by new construction, **Special Condition No. 1** requires final construction plan showing that the accessibility upgrades will not impede existing public uses or decrease the number of campsites. Furthermore, a staging and storage plan showing that equipment will be stored in the existing maintenance yard or the campsite being actively worked on, and not be stored on actively used public areas, must be provided. **Special Condition No. 3** prohibits construction from occurring during the summer season, defined as Memorial Day Weekend to Labor Day, so as to avoid the period of highest visitation at San Elijo Campground.

Thus, as conditioned, the accessibility improvements at San Elijo Campground can be found consistent with the public access policies of Chapter 3 of the Coastal Act and the certified Local Coastal Program for the City of Encinitas.

C. Coastal Hazards

Section 30253 of the Act states, in relevant 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...

Section 30.34.020 (Coastal Bluff Overlay Zone) of the Encinitas Municipal Code states in relevant part:

B. Development Standards. In addition to development and design regulations which otherwise apply, the following development standards shall apply to properties within the Coastal Bluff Overlay Zone. In case of conflict between the following standards and other standards, regulations and guidelines applicable to a given property, the more restrictive shall regulate.

1. With the following exceptions, no principal structure, accessory structure, facility or improvement shall be constructed, placed or installed within 40 feet of the top edge of the coastal bluff. Exceptions are as follows:

[...]

- i. Minor accessory structures and improvements located at grade, including landscaping, shall be allowed to within five feet of the top edge of the coastal bluff. Precautions must be taken when placing structures close to the bluff edge to ensure that the integrity of the bluff is not threatened. For the purposes of the Coastal Bluff Overlay Zone, "minor accessory structures and improvements" are defined as those requiring no City approval or permit including a building or grading permit, and not attached to any principal or accessory structure which would require a permit. Grading for reasonable pedestrian access in and around a principal or accessory structure may be permitted by the City Engineer following review of a site specific soils report.
- ii. Essential public improvements providing coastal access, protecting natural resources, or providing for public safety, as reviewed and approved pursuant to subsection C, Development Processing and Approval, of this section, including but not limited to, walkways leading to approved public beach access facilities, open fences for safety or resource protection, public seating benches, lighting standards, and signs.

[...]

San Elijo Campground is located atop a coastal bluff overlooking a sandy beach, and as such it has experienced coastal erosion over the decades of operation, especially at the southern end adjacent to the San Elijo Lagoon mouth, where erosion has led to the collapse of several camping sites and placement of an emergency rip rap revetment (CDP No. G-6-23-0024).

The twelve camping sites, two overlooks, and ten water spigots that would receive accessibility upgrades are distributed throughout the San Elijo Campground and include both blufftop and inland sites. However, none are located near the southern end where erosion is most pronounced ([Exhibit 2](#)). To analyze any potential threat to the blufftop campsites receiving improvements, State Parks provided an April 5, 2023, geotechnical investigation conducted by Geocon Consultants, Inc. The analysis did not identify geologic conditions that would preclude construction of the accessibility improvements.

The existing campsites currently direct runoff away from the bluff edge and toward the central loop road, which directs runoff toward storm drain inlets, and this would continue to be the case after construction. Because the accessibility improvements are substantially at grade, consisting of placing permeable concrete and decomposed granite, project grading will generally be less than one foot in depth, avoid substantial landform alterations of the bluff top. Furthermore, because the permeable concrete will allow greater infiltration of runoff into the soil, the geotechnical survey recommended the proposed concrete thickness to be able to infiltrate runoff while minimizing the amount that enters the blufftop soil. Additionally, the campsites along the bluff edge receiving

improvements will install below-grade impermeable liner to prevent lateral migration into the bluff face of water that infiltrates into the soil.

To ensure that the accessibility improvements are constructed with the recommended measures to protect geologic stability in place, **Special Condition No. 1** requires the submittal of final construction plans. Because the San Elijo Campground is a popular coastal recreational facility that has a history of experiencing erosion events along its coastal bluffs and due to construction near the water, **Special Condition No. 4** requires the acceptance of the risk posed by future erosion, wave action, storms, and landslides. Thus, as conditioned, the development can be found in conformance with the coastal hazard policies of Chapter 3 of the Coastal Act and the City of Encinitas Local Coastal Program.

D. Marine Resources and Water Quality

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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 20.08.110 of the Encinitas Municipal Code states:

Best Management Practices. Any person engaged in activities which may result in discharges to the stormwater conveyance system shall, to the maximum extent practicable, undertake all measures to reduce the risk of non-stormwater discharges and pollutant discharges. The following requirements shall apply:

A. Every person undertaking any activity or use of a premises that may cause or contribute to stormwater pollution or contamination, illicit discharges, or non-stormwater discharges to the MS4 shall comply with BMP guidelines or

pollution control requirements, as may be established by the authorized staff. BMPs shall be maintained routinely throughout the life of the activity. Such BMPs include the minimum BMPs set forth in the Stormwater Standards Manual.

B. Authorized enforcement staff may require any business or operation that is engaged in activities which may result in pollutant discharges to the MS4 to develop and implement a storm-water pollution prevention plan, which must include an employee training program and the applicable minimum BMPs from the Stormwater Standards Manual.

C. Each discharger that is subject to any NPDES permit shall comply with all requirements of all such permits. The discharger must also make reports submitted to the RWQCB or other permitting agency, including monitoring data, available to the City upon request.

D. Parties undertaking land disturbance activities shall comply with all applicable requirements of this chapter, the Stormwater Standards Manual, Engineering Design Manual and Encinitas Municipal Code Chapter [23.24](#) (Grading and Erosion Control).

The campsites at San Elijo Campground are sloped to direct runoff toward the main central loop road, which has a slight berm to further direct runoff to storm drain inlets located across the campground. These storm drains in turn drain onto the adjacent beach and finally the ocean.

Because many of the accessibility improvements will replace existing impermeable concrete with permeable concrete underlain by a gravel layer, it will result in a reduction of impermeable surface area in the San Elijo Campground. This porous concrete pavement will be utilized to reduce runoff and sediment transport to the storm drain inlets, while allowing greater treatment of runoff through infiltration into the permeable concrete and gravel layer (while limiting the amount of sub-soil infiltration for the geologic reasons discussed in Section C. Coastal Hazards). No work is being proposed on the storm drain inlets or outfalls themselves, and the development is not anticipated to result in an increase in runoff flows from the campsites and into the ocean.

Construction equipment to be used for the improvements will include pick-up trucks, a mini-excavator, skid steer, mini compactor, and miscellaneous hand tools, along with periodic deliveries of concrete from a concrete truck. Staging and storage of equipment will occur in the existing paved maintenance yard that services the San Elijo Campground, located at the north end. No staging or storage will occur on the bluffs, beach, or campsites not currently being improved.

To ensure that the accessibility improvements incorporate the aforementioned water quality measures that will reduce runoff flows, **Special Condition No. 1** requires the submittal of final project plans showing the final improvement design. Final staging and storage plans limiting it to the existing maintenance yard or campsite being improved

upon will also be required. **Special Condition No. 2** requires the submittal and compliance with construction and pollution prevention plans to avoid and minimize any adverse impacts on water quality during construction of the project. Thus, as conditioned, the development can be found consistent with the water quality protection policies of Chapter 3 of the Coastal Act and the Encinitas Local Coastal Program.

E. Local Coastal Planning

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

In November of 1994, the Commission approved, with suggested modifications, the City of Encinitas LCP. Subsequently, on May 15, 1995, coastal development permit authority was transferred to the City. The project site is located both within the Coastal Commission's jurisdiction and City's permit jurisdiction and, therefore, the standard of review is Chapter 3 of the Coastal Act and the City's LCP. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and the certified LCP.

F. California Environmental Quality Act

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. State Parks analyzed the project in Document No. 2018068243 and found the project to be categorically exempt under Class 1, Section 15301 (existing facilities), and Class 11, 15311 (accessory structures) of the CEQA guidelines at Title 14, California Code of Regulations.

The proposed project has been conditioned to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing public access, coastal hazard, and water quality will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- “Geotechnical Investigation: San Elijo State Beach Campground Accessibility Improvements” by Geocon Consultants, Inc., dates April 2023.