

CALIFORNIA COASTAL COMMISSION

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W13b

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-24-0742

Applicant: Southern California Regional Rail Authority (SCRRA)

Agent: Allegra Engleson, HDR

Location: Within the railroad right-of-way (ROW) at Mile Posts (MP) 205.80 and 207.20, San Clemente, Orange County

Project Description: Repairs to an existing 6 ft. high, 8 ft. wide by 30 ft. long reinforced concrete arch culvert at MP 205.80 and the replacement of a 2 ft. wide by 22 ft. long reinforced concrete pipe (RCP) culvert with a new 2 ft. by 22 ft. corrugated metal pipe (CMP) culvert at MP 207.20. The applicant also seeks authorization to retain an unpermitted approximately 95 ft. long by 17 ft. wide rock revetment surrounding the culvert at MP 205.8

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Southern California Regional Rail Authority (SCRRA) is proposing to repair and replace two existing culverts within the railroad right-of-way in San Clemente. More specifically, SCRRA is proposing to repair an existing 6 ft. high, 8 ft. wide by 30 ft. long reinforced concrete arch culvert at MP 205.80 and replace an existing 2 ft. by 22 ft. oval reinforced concrete pipe (RCP) culvert located at MP 207.20 with a new 2 ft. by 22 ft. corrugated metal pipe (CMP) culvert. Overall, the project would help to improve runoff flows and alleviate localized flooding and erosion on the railroad mainline and surrounding area. SCRRA is also seeking authorization to retain an unpermitted approximately 95 ft. long by 17 ft. wide rock revetment surrounding the culvert at MP 205.8 that was installed sometime in 2017 without the benefit of a Coastal Development Permit (CDP).

CDP Application No. 5-24-0742 was originally scheduled for a public hearing at the Commission's August 2025 meeting. The original proposal did not include a request for authorization to retain the unpermitted rock revetment. However, a week prior to the originally scheduled hearing, the Commission received a letter from a member of the public, Wendy Morris, expressing concerns that the rip rap that was currently in place around the culvert at MP 205.8 was unpermitted and should be removed before the project is completed. Thus, the item was postponed by Commission staff in order to allow Commission staff and SCRRA more time to review the permit history of the revetment. Neither Commission staff nor SCRRA were able to find any permits for the 2017 rock placement.

The primary issue raised by the proposed project is whether the unpermitted revetment is consistent with the coastal hazards policies of the Coastal Act and the City of San Clemente certified Land Use Plan (LUP). Shoreline protective devices, by their very nature, tend to conflict with Chapter 3 policies because armoring can have a variety of adverse impacts on coastal resources, including sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site. Section 30235 of the Coastal Act authorizes protective devices that are otherwise inconsistent with Chapter 3 policies if necessary to protect existing structures in danger from erosion and where impacts to shoreline sand supply have been eliminated or mitigated. Here, the culvert at MP 205.8 was constructed in 1913, well before the effective date of the Coastal Act (January 1, 1977) and is considered an "existing structure" under section 30235 of the Coastal Act. Thus, the culvert may be entitled to shoreline protection in this case because it, and potentially the railroad, could otherwise be in danger from erosion. However, in order for the revetment to be found consistent with Section 30235 of the Coastal Act, it has to be designed to eliminate any significant adverse impacts on shoreline sand supply. To offset the impacts to public access and shoreline sand supply, **Special Condition 1** requires SCRRA to submit a mitigation plan for the review and written approval of the Executive Director. The mitigation plan must outline SCRRA's commitment to fund \$300,000 toward Phase 2 of the City of San Clemente's offshore sand source investigation project. Phase 2 of the City's offshore sand source investigation project is designed to complete exploration of four sampling sites including: San Onofre State Beach (Agra), Camp Pendleton (Las Pulgas), Santa Ana River, and Huntington Beach. This effort is intended to identify a local viable sand

source to nourish the beaches in San Clemente, which will enhance beach access for the public.

Staff is recommending approval of the proposed project with special conditions to avoid or minimize potential impacts to biological resources, water quality and marine resources, public access, and visual resources. There is the potential for nesting bird species to be present at the project sites, therefore, in order to ensure that project activities avoid impacts to nesting birds, **Special Condition 2** is imposed, which requires the submittal of a Nesting Bird Monitoring and Avoidance Plan prior to issuance of the CDP. Portions of the project, including headwalls and wingwalls on the seaward sides of the culverts would be highly visible due to their location adjacent to the public beach. Therefore, to ensure that any adverse effects to public views are minimized, **Special Condition 3** requires that the surface of the culverts, headwalls and wingwalls be designed to include, or mimic, the color and texture of native materials and appearance of the natural environment, such as the appearance of rock facing. Because the culvert at MP 205.80 is a designated public accessway to Riveria Beach, **Special Condition 4** requires the applicant to agree to the limitations of closures of this accessway during weekends of the summer season during construction, defined as from Memorial Day weekend to Labor Day. **Special Condition 5** authorizes the culverts to remain until the time when the currently existing railroad is: either no longer present or becomes abandoned, unless it is demonstrated that the culverts are still required for adequate drainage; or no longer requires a culvert drainage device, whichever occurs first. **Special Condition 6** requires the applicant to reevaluate the impacts associated with the retention of armoring beyond the initial mitigation period through 2045, and to provide additional mitigation if approved by the Commission and deemed necessary to mitigate for additional impacts to coastal resources past the initial authorization period in the event that said impacts are not mitigated sufficiently under this approval. **Special Condition 7** requires the applicant to agree to comply with project-related requirements to provide for the safe storage of project materials, drainage controls, and safe removal of potentially contaminated soils. **Special Condition 8** requires the applicant to obtain all other local, state or federal permits that may be necessary prior to commencement of development. The applicant is also required to assume the risks of developing in an inherently hazardous area, per **Special Condition 9**. **Special Condition 10** requires the applicant to maintain the revetment in its approved configuration and **Special Condition 11** prohibits any future seaward expansion of the revetment. Lastly, **Special Condition 12** provides notice that the Coastal Commission's approval of this permit does not constitute a waiver of public rights that exist or may exist on the property.

The Commission certified the City's LUP in 1988 and approved a comprehensive update most recently in 2018. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified LUP used as guidance.

Therefore, staff recommends that the Commission **APPROVE** the CDP with the conditions described above. The motion to carry out the staff recommendation is on page 5 of this report.

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EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Project Footprints](#)

[Exhibit 3 – Project Plans](#)

[Exhibit 4 – Vegetation Community Maps](#)

[Exhibit 5 – LUP Public View Corridors](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 5-24-0742 pursuant to the staff recommendation.

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

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director 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. **Mitigation for Impacts to Sand Supply and Public Access.** WITHIN 120 DAYS OF APPROVAL OF THIS COASTAL DEVELOPMENT PERMIT, to offset the impacts to coastal resources associated with unpermitted development of shoreline protection, the applicant shall submit a mitigation plan for the review and written approval of the Executive Director. The mitigation plan must outline SCRRA's commitment to fund \$300,000 toward Phase 2 of the City of San Clemente's offshore sand source investigation project. Phase 2 of the City's offshore sand source investigation project is designed to complete exploration of four sampling sites including: San Onofre State Beach (Agra), Camp Pendleton (Las Pulgas), Santa Ana River, and Huntington Beach. If Phase 2 of the City's sand source investigation project does not commence within one year from the date of approval of this permit (i.e., by November 5, 2026), the applicant shall submit a CDP amendment to redirect the funds to an entity approved by the Executive Director, for the purpose of mitigating lost beach values, including public access and recreational values, and funds from the account shall be used to aid in the provision, restoration or enhancement of these values (including but not limited to public access improvements, recreational amenities, and/or beach creation through sand nourishment or property acquisition) in the coastal zone of the City of San Clemente. The Executive Director may extend the aforementioned deadline for good cause if the Permittee requests an extension of the deadline in writing prior to expiration of the deadline.

The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director provides a written determination that no amendment is legally required.

2. **Nesting Bird Monitoring and Avoidance Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a Nesting Bird Monitoring and Avoidance Plan that shall include but not be limited to the following provisions:

If project activities must occur during bird nesting season (February 1 through August 31), a qualified biologist, with experience conducting bird surveys, shall survey for active nests within 72 hours prior to commencement of project activities, and once a week thereafter during construction, to detect any such activity within 500 ft. of the project area. If an active songbird nest(s) is located within 300 ft. of construction activities (500 ft. for raptors), the qualified biologist shall halt construction activities to enable the applicant to employ best management practices (BMPs) to ensure that construction activities do not

disturb or disrupt nesting activities. Noise levels at active nest sites must not exceed 65 dB unless a noise study has determined that ambient noise in the immediate area exceeds that level. If this is the case, noise levels at the nest site must not exceed the ambient noise level measured. Noise reducing BMPs may include using alternative equipment, equipment noise buffering, sound blankets, etc. Alternatively, construction activities and schedules may be adjusted to avoid active nest areas until the respective young birds have fledged. Unrestricted construction activities may resume when no active nests remain in the construction area. Results of nesting bird surveys, ambient noise surveys, and any follow-up construction avoidance measures shall be documented in monthly reports by the qualified biologist and submitted to the Coastal Commission Executive Director throughout the bird breeding season.

3. **Material/Design Specifications for Visual Resource Protection.** PRIOR TO ISSUANCE OF THIS PERMIT, the applicant shall submit detailed plans, for the review and approval of the Executive Director, which show that all exposed surfaces of the approved culverts, headwalls, and wingwalls, shall be designed to include, or mimic, the native materials and appearance of the natural environment.
4. **Riveria Beach Access Pathway.** By acceptance of this permit, the applicant agrees that the Riveria Beach access culvert at MP 205.80 shall remain open for pedestrian access during weekends of the summer period between Memorial Day Weekend and Labor Day during construction. No closures of this access pathway during weekends of this timeframe shall be allowed unless the Commission approves an amendment to this permit, or the Executive Director provides a written determination that no amendment is legally required.

5. Culvert Duration of Approval

- a. **Culvert Authorization Period.** This coastal development permit authorizes the subject culverts to remain until the time when the currently existing railroad: A) is no longer present or becomes abandoned, unless it is demonstrated that the culverts are still required for adequate drainage; or B) no longer requires a culvert drainage device, whichever occurs first. Prior to the anticipated expiration of the permit and/or in conjunction with redevelopment of the property, the Permittee shall apply for a permit amendment to remove the culverts or to modify the terms of authorization.
- b. **Culvert Modifications.** If, during the term of this authorization, the Permittee desires to expand or alter the subject culverts, the Permittee shall apply for an amendment to this coastal development permit. If approved, additional mitigation may be required for the potential impacts of the enlarged or reconstructed culverts on landform alteration, geologic and shoreline processes, and all other affected coastal resources that

have not already been mitigated through this permit will be addressed and required at that time.

6. Rock Revetment Future Coastal Resource Impact Mitigation.

a. Authorization Period. This CDP accounts for mitigation of coastal resource impacts due to the rock revetment for the eight years it was on the beach without a permit and the first 20 years from the date of the approval of this Permit (i.e., until November 5, 2045). If the Permittee (or any subset thereto) intends to keep the armoring in place after November 5, 2045, such Permittee must submit a complete CDP amendment application prior to that time that analyzes the continued need for armoring, the feasibility of less coastal resource impactful alternatives, and any necessary and/or desired project modifications.

b. Coastal Resource Impact Mitigation. If the information in the CDP amendment application demonstrates that the mitigation plan approved under this permit will not sufficiently mitigate for the adverse coastal resource impacts associated with the retention of the armoring beyond the preceding 20-year period, additional mitigation may be required. Similarly, if the Permittee applies for a separate CDP or an amendment to this CDP to modify the armoring, or to perform repair work affecting 50 percent or more of the armoring, such Permittee shall be required to provide additional commensurate mitigation for the impacts of the enlarged or redeveloped armoring on public views, public recreational access, shoreline processes, environmentally sensitive habitat area (ESHA), and all other affected coastal resources that have not already been mitigated through this CDP.

7. Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris. The permittee shall comply with the following construction-related requirements:

- a.** No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
- b.** All debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
- c.** Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- d.** All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- e.** The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;

- f. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
 - g. The applicant shall use plastic-free netting or no netting in a temporary erosion and sediment control BMPs.
 - h. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and heavy-duty silt fences) that incorporate plastic netting shall be prohibited, to minimize wildlife entanglement and plastic debris pollution. Only 100% biodegradable (not photodegradable) natural fiber netting shall be allowed.
 - i. All stockpiles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
 - j. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
 - k. The discharge of any hazardous materials into any receiving waters is prohibited;
 - l. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
 - m. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
 - n. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
- 8. Other Agency Approvals.** PRIOR TO COMMENCEMENT OF DEVELOPMENT, the Permittee shall submit to the Executive Director written evidence that all approvals have been granted by all other applicable agencies, including at a minimum the California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service, California State Parks, and the California State Lands Commission, or evidence that no such authorizations are required from each of these entities. The Permittee shall inform the Executive Director of any changes to the project required by any other authorizations. Any such changes shall not be incorporated into the project until the Permittee obtains an

amendment to this CDP, unless the Executive Director determines that no amendment is legally required.

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 from landslides, tsunamis, flooding, sea level rise, erosion and wave uprush; (ii) to assume the risks to the permittee and the property that are 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.

10. Future Revetment Maintenance. The permittee shall maintain the existing revetment in its approved state. Any change in the design of the revetment or future additions or reinforcement of the revetment, beyond exempt maintenance as defined in Section 13252 of Title 14 of the California Code of Regulations to restore the structure to its original condition, will require a coastal development permit or amendment. However, in all cases, if after inspection, it is apparent that repair and maintenance is necessary, the permittee shall contact the Executive Director to determine whether a coastal development permit or an amendment to this permit is legally required, and, if required, shall subsequently apply for a coastal development permit or permit amendment for the required maintenance.

The applicant agrees to remove (or deposit on the revetment) any debris, rock, or other materials from the beach which become dislodged after completion of the approved project through weathering, wave action, settlement or other action, on an as-needed basis and as soon as feasible after discovery, subject to the permitting requirements listed above.

11. No Future Seaward Extension of Shoreline Protective Device. By acceptance of this permit, the applicant agrees, on behalf of themselves and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the existing rock revetment shall be undertaken if such activity extends the footprint seaward of the existing revetment. By acceptance of this permit, the applicant waives, on behalf of themselves and all successors and assigns, any rights to such development that may exist under Public Resources Code Section 30235.

12. Public Rights. By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of themselves and all successors and assigns, that the Coastal

Commission's approval of this CDP shall not constitute a waiver of any public rights that may exist on the affected property, and that the Permittees shall not use this CDP as evidence of a waiver of any public rights that may exist now or in the future.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Location

The development is located between the sea and the first public road within the railroad right-of-way (ROW) at Mile Posts (MP) 205.80 and 207.20 in the City of San Clemente ([Exhibit 1](#)). The railroad tracks in this location were constructed in the late 1880s. Southern California Regional Rail Authority (SCRRA)/Metrolink and Amtrak operate passenger rail service through this corridor.

MP 205.80 is located within the southern portion of the City of San Clemente. The existing concrete arch culvert is located approximately 125 ft. south of the Plaza a la Playa cul-de-sac. The culvert currently serves as a pedestrian underpass to Riviera Beach from Plaza a la Playa cul-de-sac and is designated as Public Access Point 14 in the City of San Clemente's certified Land Use Plan (LUP). Riviera Beach is located immediately west of the culvert and single-family residential homes are located immediately east of the culvert ([Exhibit 2](#)). The San Clemente Pedestrian Beach Trail runs parallel to, and east of, the existing railroad mainline. All material, equipment, and construction personnel would access the project area via Boca Del Canon and the San Clemente Pedestrian Beach Trail, north of the project site. The majority of construction activities at MP 205.80, including staging and laydown areas, would occur within the railroad ROW or adjacent to, but not blocking, public pathways.

SCRRA is proposing to repair the existing 8 ft. wide by 6 ft. tall by 30 ft. long reinforced concrete arch culvert at MP 205.80 ([Exhibit 3](#)). This culvert was constructed in 1913. Repairs would include the removal of loose concrete around the spalled areas and repair with new concrete and/or grouting to match the existing surface condition. Retrofit strategies for the existing arch culvert include installing precast concrete headwalls constructed offsite. The existing structure would be protected in place during project construction. Storm flows exit the culvert and travel along a concrete apron extending approximately 20 ft. downstream before terminating directly onto the beach. Under existing conditions, the arch culvert conveys drainage runoff from the eastern side of the railroad to the west thereby reducing the potential for localized flooding of the mainline tracks and surrounding residential areas. A concrete lined drainage extends northeast of the culvert and adjacent to a residential area. Rehabilitation of the culvert would maintain the existing drainage patterns upstream of the existing culvert. The culvert also serves as a pedestrian underpass to allow access to Riveria Beach from the San Clemente Pedestrian Beach Trail and the adjacent neighborhood

SCRRA is also seeking authorization to retain an unpermitted approximately 95 ft. long by 17 ft. wide rock revetment surrounding the culvert at MP 205.8 that was installed sometime in 2017 without the benefit of a CDP ([Exhibit 3](#)).

The project would also replace an existing oval RCP culvert located at MP 207.20. MP 207.20 is located within the City of San Clemente, approximately 1.3 miles south of MP 205.80. The existing reinforced concrete pipe (RCP) culvert is located approximately 1/3 mile southwest of the Interstate 5 (I-5) intersection with Cristianitos Road and Avenida Del Presidente. The beach is located immediately west of the culvert and single-family residential homes are located immediately east of the project site ([Exhibit 2](#)).

Equipment and material would be transported to the site via rail and construction personnel would access the project area by foot.

The existing oval RCP culvert located at MP 207.20 was constructed in 1919 ([Exhibit 3](#)). The existing RCP culvert is approximately 2 ft. wide by 22 ft. in length. The culvert is responsible for conveying drainage runoff from the east side of the mainline track to the beach on the west. Previous inspection reports have identified degrading concrete in the pipe, headwalls and wingwalls, misalignment in the RCP joints, and leaning ballast retainer. Due to its age and current condition, the existing RCP culvert would be replaced with a 2 ft. by 22 ft. corrugated metal pipe (CMP) culvert structure, including new headwalls and wingwalls. Approximately 40 ft. of track would be temporarily removed to facilitate the excavation and removal of the existing pipe culvert and the installation of the new culvert. The existing riprap would also need to be temporarily removed for the installation of the wingwall piles and lagging and would be placed back to existing conditions. No new riprap would be installed on site. The project would also involve the protection-in-place of existing utilities including existing drainage structures. The existing drainage patterns would be maintained. The RCP culvert serves to redirect runoff flows from the residential areas east of the existing railroad mainline to the beach and ocean immediately west. Replacement of the RCP culvert would help to improve runoff flows and alleviate localized flooding and erosion on the railroad mainline and surrounding area, respectively.

Standard of Review

The Commission certified the City's LUP in 1988, and approved a comprehensive update most recently in 2018. However, the City does not yet have a certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act constitute the standard of review for the project, with the certified LUP used as guidance.

B. Consultations and Other Agency Approvals

Tribal Governments

The California coastal zone has been home to native populations since time immemorial. The project site is located in a region historically occupied by the Juaneño (Acjachemen) peoples. Currently, there are three Juaneño groups that are recognized

by the State as California Native American Tribes (as indicated by the Native American Heritage Commission, NAHC): the Juaneño Band of Mission Indians, the Juaneño Band of Mission Indians, Acjachemen Nation 84A, and the Juaneño Band of Mission Indians, Acjachemen Nation - Belardes. These Tribes are living communities who are the actively participate in the preservation of their culture and protection of tribal cultural resources, for which they are experts.

The Commission's Tribal Consultation Policy (adopted on August 8, 2018) recognizes the importance of State efforts to protect Tribal Cultural Resources and improve communication and coordination with Tribes, and it sets out a tribal consultation process that is fully consistent with, and complementary to the nature of, the Commission's goals, policies (including Section 30244), and mission statement. Commission staff sent development notices to the tribal representatives with ties to the area on September 23, 2024. Commission staff did not receive a response or a request to consult on the project.

Other Agency Approvals

The project requires other local, state, and/or federal permits, including:

- California Department of Fish and Wildlife (CDFW). The project requires a Lake and Streambed Alteration Agreement (LSAA) from CDFW. CDFW is in the process of reviewing SCRRA's LSAA application and is preparing the agreement.
- Water Quality Control Board (WQCB). The project requires a Clean Water Act Section 401 Water Quality Certification from the SDWQCB. SCRRA has received the Notice of Applicability from the SDWQCB.
- U.S. Army Corps of Engineers (USACE). The project qualifies for a non-notifying Nationwide Permit (NWP) No. 14 from USACE. SCRRA provided an email from USACE concurring with the qualification of an NWP 14 for the proposed project.

SCRRA explained that no approvals are needed from U.S. Fish and Wildlife Service, CA State Parks, or the CA State Lands Commission because the project is either out of their jurisdiction or no impacts would occur to their regulated resources.

Special Condition 8 requires SCRRA to obtain these other permits prior to the commencement of development or evidence that no such authorizations are required from each of these entities.

C. Biological Resources

Section 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature

or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) 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 such areas, and shall be compatible with the continuance of such habitat areas.

Section 30233 of the Coastal Act states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

[...]

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

[...]

Relevant San Clemente LUP Biological Resource Policies:

RES-42 Definition of Wetlands. Wetlands include lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. Wetlands, as detailed by Section 13577 (b)(l) of Title 14 of the California Code of Regulations, also include land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to vegetated wetlands or deep-water habitats. Any unmapped areas that meet the above wetlands criteria are deemed wetlands and shall be accorded all of the protections provided for wetlands in the LCP.

RES-51 ESHA Designation. Environmentally Sensitive Habitat Area (ESHA) means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities and developments as defined in Section 30107.5 of the Coastal Act. Three main elements must be met for an area or habitat to be considered ESHA.

- a. The presence of individual rare plants or animals or the presence of a particular rare habitat. Plant and animal communities whose designation includes, but is not limited to rare, threatened or endangered by the State or federal governments such as those in the CDFW's California Natural Diversity Database (CNDDDB).
- b. Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem.
- c. Areas that could be easily disturbed or degraded by human activities and developments.

RES-90 Construction Near Nesting and Foraging Habitat. If an active nest of any species listed pursuant to the federal or California Endangered Species Act, California bird species of special concern, or a wading bird (herons or egrets) as well as owls or raptors is found, construction activities within 300 feet (500 feet from any identified raptor nest) shall not exceed noise levels of 65 dB peak until the nest(s) is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. The 65 dB peak noise levels may only be increased if a noise study demonstrates the ambient noise level is above 65 dB at the subject site. Nesting Bird Surveys for the above bird species during their breeding season shall be conducted by a qualified biologist prior to commencement of construction on sites where there is probable cause to believe that nesting birds may exist.

Coastal Act Section 30107.5 defines environmentally sensitive habitat areas (ESHAs) as areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. Additionally, although not the standard of review, the City of San Clemente's LUP contains policies regarding ESHA resources that may be considered as guidance.

The City has identified the potential for ESHA along the beach near MP 205.80 in the certified LUP. However, the quality of habitat must be assessed on a site-by-site basis. The applicant provided a Biological Resources Technical Report prepared by HDR which included a general biological survey, vegetation mapping, habitat assessment, and aquatic resources survey for the proposed project located at MP 207.20 and MP 205.80. The biological resources study area (BRSA) includes the project footprint of disturbance and a 500-ft. buffer for potential direct and indirect impacts on sensitive biological resources that could result from the project. The aquatic resource study area

(ARSA) includes the footprint of disturbance and a 50-ft. buffer for potential direct and indirect impacts on jurisdictional aquatic resources that could result from the proposed project.

Description of Existing Habitat

According to the report, MP 205.80 and 207.20 contain thirteen vegetation communities and other land cover types within the BRSA. Vegetation communities identified in the area include:

- Tree-dominated habitats (Arroyo Willow Thickets [*Salix lasiolepis*], California Coastal Cypress Woodland Alliance, Date Palm – Fan Palm Groves [*Phoenix canariensis* – *Washingtonia robusta*], and Myoporum Groves [*Myoporum laetum*])
- Shrub-dominated habitats (California Brittle Bush Scrub [*Encelia californica*], California Sagebrush Scrub [*Artemisia californica*], Coastal Bluff Scrub, Coyote Bush Scrub [*Baccharis pilularis*], Lemonade Berry Scrub [*Rhus integrifolia*], Menzie’s Golden Bush Scrub [*Isocoma menziesii*], Mule Fat Thickets [*Baccharis salicifolia*], Quailbush- Lemonade Berry Scrub, Quailbush Scrub [*Atriplex lentiformis*])
- Herbaceous-dominated habitats (California Annual Forb/Grass Vegetation, Dune Mat [*Ambrosia chamissonis*], Ice Plant Mats [*Mesembryanthemum spp.* - *Carpobrotus spp.*], Mediterranean California Naturalized Annual and Perennial Grassland, and Saltgrass Flats [*Distichlis spicata*])
- Beach
- Coastal bluffs (unvegetated)
- Disturbed habitat
- Non-vegetated channel – concrete lined
- Non-vegetated channel
- Open water
- Ornamental (planted)
- Presumed ornamental/native mix
- Urban/developed
- Urban/developed (riprap)

A Vegetation Community Map delineating the proposed project’s area of impact within a polygon outlined in yellow is included as [Exhibit 4](#).

The proposed impact area includes several vegetation communities that may be impacted, totaling approximately 1.181 acres of impact area (0.005 acres of permanent impacts and 1.176 acres of temporary impacts). The proposed impacts are anticipated to occur to disturbed habitat, non-vegetated channel – concrete lined, ornamental (planted), urban/developed, and urban/developed (riprap).

Areas labeled disturbed are areas where natural communities have been impacted to the extent that they no longer function naturally. These areas have been previously

disturbed but continue to retain a soil substrate. Disturbed areas consist of predominantly non-native weedy and ruderal species. This is not a natural community and generally does not provide habitat for wildlife or special-status species, though exceptions occur. Examples of disturbed areas include areas that have been graded for development or cleared for fuel management, staging areas, off-road vehicle trails, and abandoned home or business lots. None of these vegetation communities are considered vulnerable or rare at the state or global levels. No impacts are proposed to tree-dominated habitats, shrub-dominated habitats, or herbaceous-dominated habitats. A portion of Quailbush Scrub is located directly adjacent to the culvert at MP 205.80, however the applicant is proposing to protect the vegetation in place with environmental fencing. Additionally, the Commission's Staff Ecologist, Dr. Corey Clatterbuck, visited the site on May 16, 2025, and determined that the vegetation in the area, including the Quailbush scrub adjacent to MP 205.80, would not rise to the level of ESHA as it is heavily disturbed and separated by the railroad tracks from other native vegetation. Thus, all proposed project components including approval of the unpermitted rock revetment, repair/replacement of the culverts, construction access, and construction staging would not result in impacts to ESHA.

Special Status Plant Species

The applicants' consultant, HDR, conducted a literature search of the BRSA on December 21, 2021. A list of special-status plant and animal species that have the potential to occur within the project study area was prepared using information provided by the USFWS' Information for Planning and Consultation Online System (USFWS 2021a), CDFW's California Natural Diversity Database (CNDDDB) RareFind 5 program (CDFW 2021), and CNPS Inventory of Rare and Endangered Plants of California (CNPS 2021).

The majority of the project footprint occurs within urban/developed, non-native, and disturbed habitats. Of the six federally and/or state-listed plant species evaluated for their potential to occur within the BRSA, none are known to occur or expected to occur within the MP 207.20 and MP 205.80 footprints. Construction of the proposed project would not result in impacts on known populations, or suitable habitat for federally and/or state-listed plant species. Therefore, project implementation would not result in direct, adverse effects on federally and/or state listed plant species.

Based on the literature review conducted by HDR, 39 special-status plant species have potential to occur within the BRSA. Three of these species, San Diego marsh-elder, Monterey cypress, and California box-thorn, were observed growing outside of the project footprint. Project construction activities, including construction access, would be isolated to the disturbed and developed areas surrounding the MP 207.20 and MP 205.80 culverts and outside of any vegetation communities that may support other special-status plant species. Therefore, project implementation would not result in adverse impacts to special-status plant species.

Special Status Wildlife Species

The BRSA includes suitable habitat for 13 federally and/or state-listed wildlife species. However, suitable habitat for only three of these species, San Diego fairy shrimp (*Branchinecta sandiegonensis*), Western Snowy Plover (*Charadrius alexandrinus nivosus*), and California Least Tern (*Sternula antillarum browni*), occurs within the MP 207.20 or MP 205.80 project impact footprint. Suitable habitat for these three species is subject to frequent disturbance by pedestrians and beachgoers. California least tern and western snowy plover are not known to nest on the beaches adjacent to the project footprint and it is not anticipated that project implementation would result in impacts on these species. Additionally, project implementation would avoid ground disturbance within suitable habitat for San Diego fairy shrimp, and therefore, impacts are not anticipated.

There is the potential for nesting birds to be present near the project footprints, therefore in order to ensure that project activities avoid impacts to nesting bird species, **Special Condition 2** is imposed, which requires the submittal of a Nesting Bird Monitoring and Avoidance Plan prior to issuance of the CDP. The plan should include surveys for active nests within 72 hours of construction, if construction occurs during the bird nesting season (February 1st through August 31st). If active nests are located within the survey area the plan requires BMPs to ensure that construction activities do not disturb or disrupt nesting activities.

Dredge and Fill in Wetlands

Section 30108.2 of the Coastal Act defines “fill” as “earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.” Additionally, the Commission has long found grading, excavating, and other ground-disturbing activities in coastal wetlands to be a form of dredging or fill.

The Aquatic Resources Survey Report identified and mapped the following aquatic resource areas: coastal tidelands, coastal wetlands – Pacific Ocean, isolated seasonal depressions, slope seep, USACE wetland, and drainage channels. Drainage channel C is within the project’s construction footprint at MP 205.80, while the isolated seasonal depressions are within the railroad ROW at MP 207.20, which would be used for construction access. The remainder of the aquatic resource areas that were mapped are outside of the project footprint, including the construction staging and access areas.

Drainage C is a concrete-lined channel located at the southern end of the MP 205.80 ARSA. The drainage supports an intermittent hydrologic regime, which is primarily supported by urban runoff from the adjacent development. Drainage C transitions to an approximately 8 ft. by 6 ft. arch culvert where it flows underneath the railroad tracks. Flows from Drainage C discharge directly onto the beach and ultimately into the Pacific Ocean.

Use of the concrete-lined channel for access on foot during construction activities would result in temporary impacts on 0.018 acre of Drainage C. The Commission’s ecologist visited the site on May 16, 2025, and determined that Drainage C does not meet the

CCC definition of a wetland, and therefore impacts to Drainage C would not result in impacts to CCC wetlands.

Five isolated seasonal depressions were observed to be inundated or showed evidence of prolonged ponding (i.e., deep soil cracks, salt crust) during the general biological and aquatic resource surveys. The isolated depressions are frequently disturbed by pedestrians trespassing through the ROW. Descriptions of the depressions are provided below.

Isolated Seasonal Depression 1 is a shallow depression approximately 5 feet wide located north of the MP 207.20 culvert that was observed collecting water from residential irrigation immediately east of the depression. Damp soils and sheet flow patterns were observed off the landscaped slope to the east. Salt crust was also observed around the depression.

Isolated Seasonal Depression 2 is a shallow depression measuring approximately 12 feet wide and 68 feet long. No standing water was observed within this feature; however, signs of ponding were observed, including cracked soils, soil crusts, and algal mats along the surface. Soils here consisted of a mixture of soils and ballast with no vegetation observed within the depression.

Isolated Seasonal Depression 3 is a shallow depression, approximately 10 feet wide and 34 feet long. The feature exhibits signs of ponding, including soil cracks, algal mats, and saturated soils. Soil sampling point UPL 01 was taken at the southern end of the depression. At the time of the survey, water was observed up to two inches deep.

Isolated Seasonal Depression 4 is a small shallow depression approximately 8 feet wide and 30 feet long, located near the southern boundary of the MP 207.20 ARSA. Soil cracks and water stains on ballast were observed.

Isolated Seasonal Depression 5 is a shallow depression located near the southern boundary of the MP 207.20 ARSA. The feature measures approximately 8 feet wide and 30 feet long and exhibits soil cracks, algal mats, and saturated soils.

Approximately 0.041 acres of isolated seasonal depressions occur along the eastern side of the railroad tracks and would be subject to temporary disturbance from construction foot traffic. No digging or large equipment is proposed within the depressions. The Commission's ecologist visited the site on May 16, 2025, and determined that the isolated seasonal depressions do not meet the CCC definition of a wetland, and therefore temporary impacts to the isolated seasonal depressions would not result in impacts to CCC wetlands.

Therefore, as conditioned, the project is sited and designed to prevent any adverse impacts to sensitive species, ESHA, and wetlands, and can be found consistent with Coastal Act section 30240(b) and the relevant policies of the LUP.

D. Hazards

Applicable Coastal Act Provisions

The Coastal Act requires that new development minimize risks to life and property, assure stability and structural integrity, not contribute to instability, and not rely on protective devices in order to be safe from hazards. Specifically:

Coastal Act Section 30253 states, in pertinent 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 protection devices that would substantially alter natural landforms along bluffs and cliffs.

On the other hand, notwithstanding the prohibition on “new” development that would require armoring to protect it, when the Coastal Act was adopted, the Legislature included a provision allowing “existing” development to obtain just such protection, with certain caveats. Specifically,

Coastal Act Section 30235 states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.

Relevant San Clemente LUP Hazard Policies:

HAZ-2 Development Near Hazards. New development that is in proximity to a geologic, coastal or fire hazard area shall be sited and designed in ways that avoid and/or mitigate risks to life and property, provide for or maintain existing public access and recreation, protect and enhance scenic resources, avoid and/or mitigate adverse impacts to the quality or quantity of the natural supply of sediment to the coastline, control runoff, and account for sea level rise and coastal storm surge projections.

HAZ-10 Applicant's Assumption of Risk. A Coastal Development Permit (CDP) for development in a hazardous area shall be conditioned when consistent with Policy GEN-8 to require the property owner to record a document (i.e., deed restriction) that waives and indemnifies the approving entity from liability for any personal or property damage caused by geologic, coastal or other hazards on such properties in relation to any development approved by the CDP and acknowledging that future shoreline protective devices to protect structures authorized by such a CDP are prohibited as outlined in HAZ-18.

HAZ-18 Limits on Bluff or Shoreline Protective Devices. Limit the use of protective devices to the minimum required to protect coastal-dependent uses, or existing structures or public beaches in danger of erosion, unless such devices are otherwise consistent with the public access and recreational policies of the Coastal Act and all relevant policies of the LCP. Protective devices shall be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Any approved protective devices shall also be designed to avoid, or mitigate where unavoidable, impacts on public access and recreation, habitat, scenic views, beach width and other coastal resources, and they shall not substantially impair public trust resources.

HAZ-21 Restrict Bluff/Canyon/Shoreline Retention Devices. When consistent with Policy GEN-8, the construction, reconstruction, expansion, and/or replacement of a bluff/canyon/ shoreline protective device, (i.e. revetments, breakwaters, groins, seawalls, bluff protective devices, deep piers/caissons, or other artificial structures as defined in Chapter 7 that alter natural landforms or alter bluff/canyon/shoreline processes), for coastal erosion control and hazards protection, are prohibited, except pursuant to a CDP where it can be shown that either the device fully complies with all relevant LCP policies and the coastal access and recreation policies of the Coastal Act, or all of the following are met:

- a. The bluff, canyon or shoreline protective device is required for the protection of coastal-dependent uses, existing structure(s) (including a principal structures or residence or public beaches in danger from erosion,
- b. Where there is no less environmentally damaging alternative to the bluff, canyon or shoreline protective device,
- c. The device is sited to avoid sensitive resources,
- d. The device is designed to eliminate or mitigate adverse impacts on local shoreline sand supply and public access and to avoid or, where avoidance is infeasible, to minimize and mitigate the encroachment on the public beach, and
- e. The device is designed to minimize adverse visual impacts to the maximum extent feasible.

HAZ-30 Development and Uses in Hazard Areas. New development or re-development and land uses shall:

- a. Minimize risks to life and property in areas of high geologic, coastal, 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.

HAZ-37 Removal of Non-conforming, Unpermitted and/or Obsolete Structures and Uses. When a principal structure is removed, all non-conforming accessory development and/or uses shall be removed. Development on the shoreline, canyon, and/or bluff sites must identify and remove all unpermitted and/or obsolete structures that are no longer being used, including but not limited to protective devices, fences, walkways, stairways, etc. which encroach into canyons or bluffs or shoreline or onto public property.

Adverse Coastal Resource Impacts Due to Shoreline Protective Devices

The Coastal Act and the certified LUP discourage seawalls, revetments, bluff retaining walls and other forms of hard shoreline and bluff protective devices because they generally cause significant impacts to coastal resources and can constrain the ability of the shoreline to respond to dynamic coastal processes. This is expected to be exacerbated with future sea level rise. Shoreline and bluff protective devices, by their very nature, tend to conflict with Chapter 3 policies because hard forms of armoring can have a variety of adverse impacts on coastal resources, including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach. Because protection devices, such as retaining walls, revetments, and groins, can create adverse impacts on coastal processes, Coastal Act Section 30253 specifically prohibits development that could "...create [or] 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."

The applicant's original project proposal included installing 12 6 ft. x 6 ft. x 3 ft. gabion baskets filled with riprap at the end of the concrete apron at MP 205.80 to protect the culvert outlet from future scour. The scour protection was proposed in response to concerns raised by the public about the access challenges posed by the creation of a scour pond at the base of the concrete apron. SCRRA explained to Commission staff that the culvert is intended to convey water, although they acknowledged that the culvert is also a designated public access pathway and that it is safer for the public to continue to use this pathway rather than traversing over the tracks to access the beach. Throughout the review process, and based on feedback from Commission staff and other regulatory agencies, the applicant revised their proposed scour protection method to include the installation of approximately 30 cu. yd. of loose riprap at the base of the culvert at MP 205.80 rather than the gabion baskets that were initially proposed. The proposed riprap, like the gabions, could have acted as a shoreline protective device and

had the potential to impact public beach access in the area by creating conditions difficult for the public to navigate over.

During the review process members of the public voiced concerns with SCRRA's proposal to place riprap on the beach. Joe Wilson with Save Our Beaches – San Clemente submitted a letter to staff dated February 15, 2025, regarding the proposed project. The letter submitted by Save Our Beaches included an alternative that they thought would help address the scour issues on site while also providing safer beach access year-round. Their alternative consisted of a stair-stepped, concrete drainage relief at the base of the culvert at MP 205.80 along with a wood path to the south of the concrete apron. Save Our Beaches explained that the concrete stair-step exit would be primarily used, but that the wood path could be used during large ponding events. Save Our Beaches' alternative also involved the occasional placement of sand up to the apron level of the culvert. SCRRA provided a letter to Commission staff dated April 22, 2025, in response to the letter submitted by Save Our Beaches. SCRRA explained that funding for the project is limited to the grant funding received from the Federal Transit Administration and that Save Our Beaches' proposed alternative would be outside the parameters of the grant funding. SCRRA also explained that the improvements proposed would extend outside of their ROW. SCRRA further explained that the proposed improvements would be considered a permanent impact by regulatory agencies and would require extensive permitting and approvals, as well as compensatory mitigation which would be outside of the project budget. Overall, SCRRA concluded that the alternative proposed by Save Our Beaches alternative is infeasible.

After further investigation, SCRRA determined that scour protection, such as riprap, at the base of the culvert is not necessary at this time. SCRRA also explained that the City of San Clemente's maintenance team currently regrades any erosion at the base of the culvert at MP 205.80 during large ponding events, and that the City would continue to monitor and regrade this area as needed. Therefore, SCRRA removed the riprap at the base of the culvert from their proposed scope of work. SCRRA provided a revised project description and revised project plans prior to publication of the staff report.

Although SCRRA revised the project to eliminate the construction of a new shoreline protection device at the base of the culvert at MP 205.8, they have also revised the project to seek after-the-fact authorization for the construction of an approximately 95 ft. long by 17 ft. wide rock revetment surrounding the culvert at MP 205.8. In this case, the revetment could prevent naturally eroded sediment from reaching the beach, and therefore could have significant adverse impacts on shoreline sand supply. Applied to this project, the revetment would likely be inconsistent with Coastal Act Section 30253 because it alters natural landforms.

Accordingly, with the exception of coastal-dependent uses, Section 30235 authorizes the construction of armoring that is otherwise inconsistent with the Coastal Act only if the armoring is necessary to protect "existing structures" or public beaches in danger from erosion and where impacts of the armoring are eliminated or mitigated. Therefore,

to protect core coastal resources, the Coastal Act has a series of specific criteria that must be met in order to approve a protective device. For example, protective devices compelled by Coastal Act Section 30235 must be supported by substantial evidence demonstrating: (1) there is an existing structure; (2) the existing structure is in danger from erosion; (3) shoreline-altering construction is required to protect the existing threatened structure; and (4) the required protection is designed to eliminate or mitigate its adverse impacts on shoreline sand supply. The first three criteria pertaining to Section 30235 relate to whether the proposed armoring is necessary, while the fourth criterion applies to mitigation for some of the impacts of such armoring.

Existing Structure to be Protected

The first Section 30235 test is whether or not a structure for which armoring is proposed as protection is considered “existing,” if it existed in its current form when the Coastal Act came into effect (i.e., January 1, 1977) and hasn’t been redeveloped since. Under Coastal Act Section 30235, structures in existence when the Coastal Act took effect on January 1, 1977, are potentially allowed armoring if the remaining three criteria identified above are satisfied.

In this case, the culvert at MP 205.8 was originally constructed in 1913, well before CDP requirements associated with The Coastal Act of 1976 and is not known to have been significantly redeveloped since nor is a major redevelopment proposed now; therefore, the structure is considered an existing structure for purposes of Section 30235 of the Coastal Act. Thus, the proposed project meets the first test of Section 30235 of the Coastal Act.

In Danger from Erosion

The second Section 30235 test is whether the existing structure is in danger from erosion. The Coastal Act allows armoring to be installed to protect existing structures that are in danger from erosion, but it does not define the phrase “in danger.” There is a certain amount of risk involved in maintaining any development along the actively eroding California coastline that also can be directly subject to violent storms, wave attack, flooding, earthquakes, landslides and other hazards.

The applicant has established that the culvert is in need of protection due to the ongoing erosion of the project site. Historic aerials show the extreme erosion that occurred in this location prior to the construction of the revetment in 2017. Both City of San Clemente Public Works staff and the Commission Coastal Engineer, Jeremy Smith, agree that the revetment is necessary in this location to prevent further erosion. Therefore, the Commission concludes that the culvert is an existing structure in danger from erosion for purposes of 30235 and that the revetment is necessary to protect the structure.

Feasible Protection Alternatives to a Shoreline Structure

The third test of Section 30235 that must be met is that revetments and other construction that alters natural shoreline processes shall be permitted when required to protect existing structures that are in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. In this case, the culvert at MP 205.8 is an existing structure and its operations are vulnerable to disruption from further erosion and, therefore, entitled to protection under Section 30235. While the applicant is eligible to construct a protective device to protect the culvert, Section 30235 requires that such device be designed to eliminate or mitigate adverse impacts when such structures are allowed, therefore, the Commission considers the least environmentally damaging alternative that still provides the structural support.

Other alternatives to protective devices typically considered include the “no project” alternative, managed retreat (including abandonment and demolition of threatened structures), relocation of threatened structures and/or portions thereof and combinations of each. Additionally, if armoring is determined to be the only feasible alternative, this test also requires that the chosen structural design of the protective device be the least environmentally damaging option, including being designed such that it produces the minimum amount of impacts to coastal resources necessary while protect the endangered existing structure in question (here the culvert).

Although the applicant did not analyze the “no project alternative”, the Commission’s Coastal Engineer, Jeremy Smith, determined that based on photo observations it is clear that the revetment is necessary to protect the culvert because of the low beach elevations caused by the drainage and the scour on the flanks of the culvert during high flows. Additionally, as previously mentioned, the culvert in this location also acts as a public accessway to the beach and is designated as a public accessway in the City’s LUP. The culvert is also public infrastructure that is necessary to reduce the potential for localized flooding of the mainline tracks and surrounding residential areas. Therefore, demolition and relocation alternatives were not considered. In short, the proposed project alternative would be the least environmentally damaging feasible alternative and is consistent with Coastal Act Section 30235. Thus, the project meets the third test of Section 30235 of the Coastal Act.

Shoreline Sand Supply Impacts

The final test of Section 30235 that must be met is that the armoring must be designed to eliminate or mitigate adverse impacts to local shoreline sand supply. Some of the effects of engineered armoring structures on the beach (such as scour, end effects and modification to the beach profile) are temporary or are difficult to distinguish from all the other actions that modify the shoreline. Others are more qualitative (e.g., impacts to the character of the shoreline and visual quality). Some of the effects that a shoreline structure may have on natural shoreline processes can be quantified, including: (1) the loss of the beach and shoreline recreational area on which the structure is located

(encroachment); (2) the long-term loss of beach and shoreline recreational area that will result when the back-beach location is fixed on an eroding shoreline (passive erosion); and (3) the amount of material that would have been supplied to the beach and shoreline recreational area if the back-beach or bluff were to erode naturally (sand retained). The first two calculations affect beach and shoreline use areas, and the third calculation is related to shoreline sand supply impacts, but all three calculations relate to public recreational access to the beach and shoreline recreational area.

The revetment takes up approximately 95 ft. of shore length and extends approximately 17 ft. onto the beach. The total encroachment is estimated to be 1,615 sq. ft. (95 ft. x 17 ft.). Additionally, the assumed erosion rate in this location is about 0.5 ft. per year. That means that the passive erosion is approximately 47.5 sq. ft. per year (95 ft. x 0.5 ft. per year), and the sand retained is approximately 17.4 cu. yd. per year.¹ Thus, the revetment has had and would continue to have an adverse impact on the beach's supply of sand, and therefore mitigation is necessary.

Consistent with past practice, including the Commission's experience that shoreline armoring often needs to be reinforced, augmented, replaced, or substantially changed within a reasonable period of years from its original installation, and to provide for rereview on a regular basis to allow for consideration of possible changes in policy, law, and physical conditions associated with armoring, the Commission typically evaluates such impacts over 20-year periods from the time a CDP is approved, where here the impacts are measured from when the armoring was first installed in 2017, and extending to 2045 (i.e., a first mitigation period covering the eight years that the armoring has been in place without a permit, plus the 20 years from the time of the CDP decision, for a total of 28 years in this case).

The most direct mitigation for the impacts quantified above would involve the creation of new beach area such as through the removal of armoring or preservation of natural shoreline processes in addition to the placement of beach sand at or very near the location of the project and its impacts. However, this in-kind mitigation was determined not to be feasible at the site due to the continued presence of the railroad and logistical constraints of transporting sand to the project location. To offset the impacts to public access and shoreline sand supply, **Special Condition 1** requires SCRRA to submit a mitigation plan for the review and written approval of the Executive Director within 120 days of the approval of this permit. The mitigation plan must outline SCRRA's commitment to fund \$300,000 toward Phase 2 of the City of San Clemente's offshore sand source investigation project. Phase 2 of the City's offshore sand source investigation project is designed to complete exploration of four sampling sites including: San Onofre State Beach (Agra), Camp Pendleton (Las Pulgas), Santa Ana River, and Huntington Beach. This project would be a follow up to Phase 1 which was

¹ The estimated sand retention comes from an approximation of the volume of sand that would be eroded on an annualized basis. 17.4 cu. yd. per year is the product of 95 ft., an estimated height of railroad berm of 11 ft., 0.5 ft. per year erosion rate, an assumed sand fraction of 90%, and a conversion factor of 1 cu. yd. per 27 cu. ft.

conducted on September 5-15, 2025. San Onofre and Santa Ana River were found to have potential of producing suitable material during the Phase 1 investigation, thus additional sampling is needed to more fully characterize the material, delineate the extent of suitable material, and to define a potential dredge area. A single core was previously obtained at Camp Pendleton, while Huntington Beach was not previously investigated. The City's plan is to obtain approximately 10-12 core samples at each of the four locations. The City has an existing geologic sampling permit from the State Lands Commission that is valid until June 6, 2026, thus, their goal is to complete the sampling before this permit expires. The objective of the investigation is to identify one or more offshore borrow sites with suitable material and in sufficient quantity to support multiple coastal resiliency efforts. An emphasis is placed on locating a suitable borrow site as close to the City as possible. This effort is intended to identify a locale viable sand source to nourish the beaches in San Clemente, which will enhance beach access for the public. **Special Condition 1** also requires the Permittee to submit a CDP amendment to redirect the funds to a different public access improvement project in the coastal zone of the City of San Clemente if Phase 2 of the City's sand source investigation project does not commence within one year from the date of approval of this permit (i.e., by November 5, 2026). Deadline extensions may be approved by the Executive Director for good cause.

As to duration of the mitigation package, as described above, the impacts of the proposed project were calculated from the time of unpermitted placement of the rock revetment in 2017 through 2045, and the mitigation package was based on those impacts. Thus, if SCRRA intends to continue to keep the armoring in place beyond 2045, then impacts and mitigation for the next mitigation period will need to be quantified and addressed. In such a case, SCRRA will need to submit a complete CDP amendment application or a new CDP application prior to the end of the initial mitigation period that analyzes the continued need for armoring, the feasibility of less coastal resource impactful alternatives, and any necessary and/or desired project modifications. If the information in the application demonstrates that the coastal resource mitigations applied/required under this approval will not sufficiently mitigate for the adverse coastal resource impacts associated with the retention of the armoring beyond the initial mitigation period, additional mitigation may be required (see **Special Condition 6**). Additionally, if SCRRA applies for a separate CDP or an amendment to this CDP to modify the armoring, or to perform repair work affecting 50 percent or more of the armoring, SCRRA would be required to provide additional commensurate mitigation for the impacts of the enlarged or redeveloped armoring on public views, public recreational access, shoreline processes, marine resources, and all other affected coastal resources that have not already been mitigated through this CDP.

Other Hazard Considerations

In terms of recognizing and assuming the hazards risks for shoreline development, the Commission's experience in evaluating proposed development in areas subject to hazards has been that permittees continue to pursue development despite periodic episodes of heavy storm damage and other such occurrences. Development in such

dynamic environments is susceptible to damage due to such long-term and episodic processes. Past occurrences statewide have resulted in public costs (through low-interest loans, grants, subsidies, direct assistance, etc.) in the multiple millions of dollars. As a means of allowing continued development in areas subject to these hazards while avoiding placing the economic burden for damages onto the people of the State of California, applicants are regularly required to acknowledge site hazards and agree to waive any claims of liability on the part of the Commission for allowing the development to proceed. Accordingly, consistent with LUP Policy HAZ-10, this approval is conditioned for the applicant to assume all risks and indemnify the Commission against all liability due to such hazards associated with developing at this location (see **Special Condition 9**).

In order to find the proposed project consistent with Coastal Act Section 30253, the project must be maintained in its approved and required state. Thus, **Special Condition 10** requires the applicant to maintain the revetment in its approved configuration and to retrieve any rock that gets dislodged onto the beach. This condition also notes that reconfiguration of the revetment or future additions or reinforcements of the revetment to restore the structure to its original condition beyond exempt maintenance shall require a new CDP or CDP amendment. **Special Condition 11** is also imposed which prohibits future seaward extensions of the revetment.

LUP Policy HAZ-37 requires the removal of all non-conforming accessory development when a principal structure is removed. This LUP policy also requires the removal of all unpermitted and/or obsolete structures that are no longer being used which encroach into canyons or bluffs or shoreline or onto public property. Therefore, **Special Condition 5** authorizes the culverts to remain until the time when the currently existing railroad is: either no longer present or becomes abandoned, unless it is demonstrated that the culverts are still required for adequate drainage; or no longer requires a culvert drainage device, whichever occurs first.

Only as conditioned, does the Commission find that the development conforms to the requirements of Section 30253 of the Coastal Act and the relevant policies of the City's certified LUP regarding the siting of development in a hazardous location.

E. Water Quality and Marine Resources

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 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.

Relevant San Clemente LUP Coastal Resource Policies:

RES-39 BMP Maintenance. As part of the Coastal Development Permit process, the City shall require all development to implement appropriate protocols to manage all design features used to mitigate stormwater runoff (including installation and removal, ongoing operation, maintenance, inspection, and training), to protect coastal resources and water quality for the life of the development.

The above policies of the Coastal Act and LUP require protection of marine resources, including the protection of coastal waters by controlling runoff and preventing spillage of hazardous materials.

The proposed project would have a net benefit on water quality by helping to improve runoff flows and alleviate localized flooding and erosion on the railroad mainline and surrounding area, respectively. However, the proposed project has potential for discharge of polluted runoff from project site construction activities, ultimately into coastal waters. Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. To ensure that construction material, debris, or other waste associated with the project activities does not enter the water, **Special Condition 7** outlines construction-related requirements to provide for the safe storage of construction materials and removal of debris from the area.

The Commission finds that the proposed project, as conditioned, is consistent with Coastal Act policies related to protection and enhancement of water quality and marine resources.

F. Visual Resources

Section 30251 of the Coastal Act states, in part:

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

Relevant San Clemente LUP Visual Resource Policy:

VIS-1 Visual Character and Aesthetic Resources Preservation. New development shall be designed to preserve the visual character and aesthetic resources of the City's coastal zone including preservation of the physical features of coastal bluffs and canyons, and where feasible, enhance and restore scenic and visual qualities of the coastal zone, including to and along the ocean and coastal bluffs, visually significant ridgelines, and coastal canyons, open spaces, prominent, mature trees on public lands, and designated significant public views (as identified on Figure 6-1 Scenic Gateways and Corridors, Figure 6-2-A Public View Corridors and Figure 6-2-B Public View Corridors). Where protection of visual character and aesthetic resources is not feasible, impacts should be mitigated.

Section 30251 of the Coastal Act cited above requires that visual resources in scenic areas be protected, and where feasible, enhanced. The LUP includes a number of policies regarding protection of scenic views. LUP Policy VIS-1 echoes Section 30251, including that scenic and visual qualities of the coastal zone, including to and long the ocean, be preserved and, where feasible, restored and enhanced.

The LUP also identifies a number of scenic gateways, scenic corridors, and public view corridors. The culvert at MP 205.80 is visible from the coastal trail view corridor ([Exhibit 5](#)). Portions of both culverts are also visible from the public beach seaward of the site. While the LUP designates specific view corridors to be protected, it also requires protection, and enhancement where feasible, of all scenic and visual qualities within the coastal zone. The proposed repair and replacement of the culverts would not result in an increase in the size or height of the infrastructure, therefore no new visual impacts that are not already existing on site would result from the project. However, in order to ensure that any adverse effects to public views resulting from the visible portions of the proposed development are minimized, **Special Condition 3** requires that the surface of the culverts, headwalls and wingwalls be designed to include, or mimic, the color and texture of native materials and appearance of the natural environment, such as the appearance of rock facing. Only as conditioned can the proposed development be found consistent with the Coastal Act and the City's certified LUP.

G. 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.

Relevant San Clemente LUP Public Access Policy:

PUB-36 Coastal Public Access. Establish, protect, maintain, and, where feasible, expand and enhance a system of public coastal access to the shoreline, beaches, tidelands, and recreational facilities...

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast.

The majority of construction activities at MP 205.80, including staging and laydown areas, would occur within the railroad ROW or adjacent to, but not blocking, public pathways. The proposed staging area for MP 205.80 is located within a disturbed area north of the pedestrian beach trail. Public access along the pedestrian beach trail would not be impeded by the staging area as an approximately 15-ft.-wide section of the trail would be left open. Should equipment need to cross the trail from the staging area to the culvert, flaggers would be provided to manage pedestrian safety and access during the temporary crossing. Temporary closure of the arch culvert at MP 205.80 would be required during repair and recoating of the interior of the culvert and during ballast retainer work. Closures are not anticipated to be longer than 2-3 days. Work would occur out of peak summer season to avoid closures of the Riviera Beach Coastal Access pathway during the summer months. **Special Condition 4** requires the applicant to agree to the limitations of closures of this access pathway during weekends of the summer season, defined as from Memorial Day weekend to Labor Day, during construction. When public access is restricted, the applicant has proposed to post signage to direct pedestrians to alternate access points, such as Public Access Point 15 of the LUP: Montalvo, approximately 450 ft. south of the culvert via the San Clemente Pedestrian Beach Trail, and Public Access Point 13 of the LUP: Lost Winds, approximately 900 ft. north of the culvert via the San Clemente Pedestrian Beach Trail. When feasible, the construction contractor would return the pathway at MP 205.80 to pre-project conditions daily by removing materials and equipment from the pathway to allow for pedestrian access outside of construction working hours.

Staging for construction at MP 207.20 would occur within the railroad ROW and northeast of the railroad tracks and Trestles Bridge. There is no designated public trail

in this area, therefore, public access would not be impeded by construction activities. Construction access to the culvert replacement at MP 207.20 would be conducted on-foot along the tracks and large equipment and supplies brought in via hi-rail. Public access to Trestles Beach and other public use areas surrounding the project would remain open during construction.

The Commission's action herein is not intended waive any public rights that exist or may exist on the affected property, and thus, the CDP is so conditioned to require the applicant to agree and acknowledge the same, including that the applicant shall not use the CDP as evidence of a waiver of any public rights that may exist on the property now or in the future (see **Special Condition 12**).

Therefore, the Commission finds that the development, as conditioned, is consistent with the public access policies of the Certified LUP and Chapter 3 of the Coastal Act.

H. Unpermitted Development

Violations of the Coastal Act have occurred on the subject site, including but not limited to construction of an approximately 95 ft. long by 17 ft. wide rock revetment surrounding the culvert at MP 205.8, without the benefit of the necessary CDP. According to aerial photographs, the unpermitted construction took place sometime in early 2017. Any non-exempt development activity conducted in the Coastal Zone without a valid CDP, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act, which is the case here.

As explained above, the applicant is seeking an after-the-fact approval for the construction of an approximately 95 ft. long by 17 ft. wide rock revetment surrounding the culvert at MP 205.8. Upon this permit becoming effective, the subsequent performance of the work authorized by the permit in compliance with all of the terms and conditions of the permit will result in resolution of the violations described above. As previously noted, the mitigation required through **Special Condition 1** accounts for impacts that resulted from the revetment for the eight years that it was on the beach without a permit.

Although development has taken place prior to submission of this permit application, consideration of the permit application by the Commission has been based solely on consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations (or any other violations).

I. Local Coastal Program

Coastal Act Section 30604(a) states that, prior to certification of an LCP, a CDP can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The

Commission certified the LUP for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan (IP) portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted an IP on June 3, 1999, but withdrew the submittal on October 5, 2000. Most recently in 2018, the City certified an LUP amendment for a comprehensive update of the LUP. The City is currently also working on resubmittal of an IP, however, there is no certified LCP at this time.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LUP for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

J. Response to Comments

After publication of the staff report on July 24, 2025, for the August 2025 Commission hearing, Commission staff received an email from Wendy Morris on August 7, 2025. Ms. Morris's email provided the following comments regarding the proposed project:

1. Once the project is started, it needs to be completed in a timely manner and not be allowed to drag out. This access way is a very popular and much used public beach access. If it is not accessible, people will climb over the fencing and cross the railroad tracks to get to the beach, creating a hazardous situation.
2. The stairway to the culvert is also an access to the very popular San Clemente Beach Trail. That part of the access should be kept open during the project work.
3. No rip rap should be added. If it is temporarily needed during construction, it must be removed before the project is completed.
4. The rip rap currently in place (but not permitted, at least by any emergency) should be removed and replaced with soil/sand similar to the area the rip rap currently covers.
5. Will the storm water capacity (speed and volume) of the new culvert be at least equal to the old culvert's capacity for speed and volume before the San Clemente's Beach trail 's bridge existed? It is important that the capacity (volume and speed) of the storm water needs to be maintained. In the spring of 1998 there was a rain storm that the culvert could not handle the capacity of water coming from the inland side of the concrete storm channel. The water on the inland side of the tracks rose up to touch the railroad ties. This dangerous situation occurred without any ocean water restriction. It finally subsided when the water in the storm drain overflowed and drained behind the adjacent homes' backyards into Montalvo Canyon's storm drain channel to the south. At that time the San Clemente Beach Trail and bridge over the culvert were not in existence.

Response to Comment No. 1

The applicant indicated that construction phasing would occur in as few steps as possible to minimize disruptions to the surrounding community.

Response to Comment No. 2

No closures are proposed for the stairway to the culvert at Mile Post 205.80.

Response to Comment No. 3

Placement of new riprap is not being proposed at either culvert location, however portions of the existing riprap will need to be removed and replaced in order to complete the repairs to the culverts.

Response to Comment No. 4

Neither Commission staff nor SCRRA were able to find any permits for the 2017 rock placement surrounding the culvert at MP 205.8. However, as previously described in the staff report, this revetment is necessary to protect the existing culvert, and possibly the railroad, from erosion, which was constructed prior to enactment of the Coastal Act, and is therefore entitled to protection. The project has been conditioned to ensure that adequate mitigation is provided for any impacts resulting from the revetment. The project has also been conditioned to prevent further expansion and seaward encroachment of the revetment.

Response to Comment No. 5

Storm drain capacity of the new/repared culverts is proposed to be equal to the capacity of the existing culverts.

K. California Environmental Quality Act (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of CDP applications to be supported by findings showing the approval, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Commission's regulatory program for reviewing and granting CDPs has been certified by the Resources Secretary to be the functional equivalent of CEQA. (14 CCR § 15251(c).)

In this case, SCRRA is the lead agency and the Commission is a responsible agency for the purposes of CEQA. SCRRA determined that the proposed development is a statutory exemption under Section 15275 which exempts from CEQA requirements specified mass transit projects. As conditioned, there are no feasible alternatives or

additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment, either individually or cumulatively with other past, present, or reasonably foreseeable probable future projects. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Coastal Development Permit Application Number 5-24-0742 and associated file documents