

COASTAL CONSERVANCY

Staff Recommendation

January 27, 2005

SAN CLEMENTE COASTAL TRAIL

File No. 00-098

Project Manager: Prentiss F. Williams

RECOMMENDED ACTION: Authorization to disburse an amount not to exceed five hundred thousand dollars (\$500,000) to the City of San Clemente for the construction of a portion of the California Coastal Trail within the City of San Clemente.

LOCATION: City of San Clemente, Orange County (Exhibit 1)

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Mitigated Negative Declaration

Exhibit 3: Map of Trail Alignment

Exhibit 4: Existing Conditions and Proposed Solutions

Exhibit 5: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed five hundred thousand dollars (\$500,000) to the City of San Clemente to assist the City in the construction of a segment of the California Coastal Trail, known as the San Clemente Rail Corridor Pedestrian Beach Trail, subject to the following conditions:

1. Prior to the disbursement of funds for construction, the City of San Clemente (the City) shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a) Evidence that the City has obtained all necessary permits and approvals and has conducted all necessary environmental review.
 - b) A final work plan (including the names of any subcontractors to be used in the completion of the project), and a project schedule and budget.
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- c) Evidence that the City has obtained rights from the Orange County Transportation Authority (OCTA) and other entities with jurisdiction over the railroad right-of-way sufficient to allow the City to build, operate and maintain the project for a period of no less than twenty years and which preserves the public's right to access the project area in perpetuity.
2. The City shall install and maintain sign(s) on the project site, the design, number and placement of which has been approved by the Executive Officer, acknowledging Conservancy funding participation and identifying the project as a segment of the California Coastal Trail.
3. The City shall implement, or shall cause to be implemented, the mitigation measures contained in the City's Mitigated Negative Declaration for the project. "

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and objectives of Sections 31400, *et. seq.* of the Public Resources Code regarding coastal access.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 24, 2001.
3. The Coastal Conservancy and its staff have independently reviewed the City's Mitigated Negative Declaration and Mitigation Monitoring Plan (attached to the accompanying staff recommendation as Exhibit 2) for the project and finds that the project avoids or mitigates any potential adverse effects on the environment, that there is no substantial evidence that the project may have a significant effect on the environment."

PROJECT SUMMARY:

Staff is requesting authorization to disburse an amount not to exceed \$500,000 to the City of San Clemente to assist the City in completing the initial construction phase for a three-mile section of the California Coastal Trail in the City of San Clemente (known locally as the "San Clemente Railroad Corridor Pedestrian Beach Trail").

The trail will run along the San Clemente shoreline from North Beach to Calafia State Beach (Exhibit 3) and will be located entirely in the railroad right-of-way owned by the Orange County Transit Authority (OCTA). In order to provide adequate separation of pedestrians from the railroad tracks, the trail will be set back as far from the tracks as far as possible. Rustic fencing and landscaping with native vegetation will provide a clear visual and physical separation from the tracks along the entire length of the trail. The trail will be approximately five feet in width on average and composed of a natural surface, either compacted earth or decomposed granite. The first phase of trail construction will also include the installation of two at-grade, signalized track crossings to allow the public to safely access the trail and the beach from the neighborhoods and public parking lots located just inland from the railroad corridor. (Exhibit 4).

The California Transportation Commission has approved the City's application for \$3,937,500 from the Federal Transportation Enhancement Activities (TEA) grant program for construction of the trail. However, the TEA grant program requires the recipient to provide at least 25% of the total project costs in non-federal matching funds. Should the Conservancy authorize the proposed disbursement, the City would use the Conservancy funds to provide a portion of the required match. The City would provide the remainder of the first phase construction costs from local sources.

The railroad tracks, which run along the entire shoreline in San Clemente, is the nation's second busiest corridor, running up to 52 trains a day by Amtrak, freight, and regional rail transit trains and constitute a significant barrier to coastal access. Currently, the public uses the railroad corridor informally as a trail and crosses the tracks haphazardly to get to the beach. This situation is not only potentially dangerous; it is only available to the adventurous and able-bodied and does not constitute adequate beach access for the general public. In addition to completing yet another link in the California Coastal Trail, construction of the Railroad Pedestrian Beach Trail would also enhance public access to the beach and increase public safety within the railroad corridor.

The project would also provide access to beaches for persons with physical disabilities at three primary access points where none is now available; also areas along the entire trail route in San Clemente will be made accessible to persons with physical disabilities, including wheelchair users. Completion of the coastal trail, which will be wheelchair accessible, will connect these facilities to each other and to inland parking areas.

Site Description: The San Clemente shoreline is characterized in most places by a relatively narrow sandy beach backed by high bluffs. Space on the beach is further constrained by the presence of the railroad tracks, which are constructed upon an embankment that is elevated 10 to 25 feet above the beach and reinforced on the ocean side by a massive rock revetment. The tracks are in regular use during the day by Amtrak, freight, and regional rail-transit trains. As a result the railroad corridor presents a significant barrier between the beach and the rest of the City. However, the railroad corridor also represents the only place along the San Clemente shoreline where the coastal trail can be located. An informal trail already exists next to the tracks along portions of the shoreline and receives extensive public use. The trail and many of the current access points to the beach are not licensed with the railroad and require the public to trespass to access the coastal trail and the beach. This trail generally runs inland of the train tracks and is interrupted in several places by drainages and other "pinch points" where the rails push right up to the bluffs. The existing situation poses a public safety problem and does not provide satisfactory, or even adequate, public access along the shoreline.

Project History: The subject of this staff recommendation represents the implementation of a project that the City developed with the funding assistance from the Coastal Conservancy.

In the late 1990s, the City proposed building a paved 12-foot wide "Multi-use Coastal Trail Project," that would have run along three miles of San Clemente coastline. That project was met with overwhelming public opposition, primarily because the project would have involved the

placement of additional berms, revetments and other hard structures on the sandy beach. The local community opposed any project that would result in the loss of sandy beach and was concerned that yet more “hardening” of the coastline would result in increased erosion and sand loss. In January 1999, the City Council rejected this proposal.

The public however, still wanted a coastal trail and beach access improvements in San Clemente. Therefore, concerned citizens and city officials came together to address the challenge and developed specific design criteria and a list of recommendations for coastal access from Poche Beach to State Park Beach. The Conservancy approved a grant to the City on October 26, 2000 to prepare plans and designs and complete environmental review for the San Clemente Railroad Corridor Pedestrian Beach Trail based on these criteria and recommendations. At that time, Conservancy staff anticipated making a subsequent grant to the City for project construction.

PROJECT FINANCING:

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|--|-----------------------|
| TEA Grant for trail | \$3,937,500 |
| OCFG Grant* | 200,000 |
| TEA Grant for access points | \$2,200,000 |
| <u>City Match:</u> | |
| CGBG Grant | \$ 333,650 |
| Air Quality Improvement Fund | 328,000 |
| General Fund (carry forward from previous years) | 403,458 |
| <u>Coastal Conservancy**</u> | <u>500,000</u> |
| PROJECT TOTAL | \$7,902,608 |

* Federal grant - cannot be a match for the Federal TEA grant

** The expected source of the proposed grant would be the FY 04/05 appropriation made to the Coastal Conservancy pursuant to the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40), which allocates bond funds to the Conservancy for the purposes of Division 21 of the Public Resources Code. Consistent with the purposes of this funding source, the proposed project would be carried out in accordance with the provisions of Division 21 (see “Consistency with Conservancy's Enabling Legislation” section below). Proposition 40 also gives priority to projects that include a commitment for a matching contribution, such as that being provided by the City of San Clemente, the Federal TEA program and other sources.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project is consistent with Division 21, Chapter 9, of the Public Resources Code (Sections 31400-31405), regarding public access and enjoyment of coastal resources. Section 31400 states that the Conservancy shall have a principal role in the implementation of a system of public accessways to and along the state’s coastline. Through the proposed action, the Conservancy would continue its role in supporting the development of an important public accessway along a major segment of the California coast.

Section 31400.1 allows the Conservancy to award grants to a public agency for accessways that serve more than local public needs. The proposed Coastal Trail in San Clemente would provide improved access both along the coast and across the tracks to the beach from parking areas already designed to support regional public use. The trail would also provide a link between state and region-serving parks (such as San Clemente State Beach and the extensive parking facilities at the City's Calafia Beach Park), making more of the beach readily accessible to the public.

Consistent with § 31400.2, staff recommends approval of this project after evaluating the amount of funding provided by the Conservancy in light of the total amount of available for coastal public accessway and urban waterfront projects, the fiscal resources of the grantee, the urgency of the project relative to other eligible projects (see discussion below), and the application of factors prescribed by the Conservancy for the purpose of determining project eligibility and priority. The proposed authorization would leverage matching funds by providing an 8 to 1 ratio of project dollars to Conservancy dollars needed to complete the access project.

Section 31400.3 states that the Conservancy may assist public agencies in developing and implementing a system of public accessways to and along the state's coastline. The proposed project would further these goals by improving and enhancing a major public accessway in a heavily-visited coastal area as part of a comprehensive public access plan.

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 1 Objective C** of the Conservancy's Strategic Plan, the proposed project would construct 3 miles of the California Coastal Trail within public ownerships.

Consistent with **Goal 2 Objective B** of the Conservancy's Strategic Plan, the proposed project would open an area currently inaccessible to people with physical limitations. Consistent with **Goal 2, Objective D**, the proposed project would increase coastal recreational opportunities by correcting dangerous conditions. Consistent with **Goal 2, Objective E**, the proposed project would help to alleviate the negative impacts of traffic and congestion by eliminating hazardous pedestrian crossings of railroad tracks.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.

3. **Support of the public:** Because the current design of the San Clemente Rail Corridor Pedestrian Beach Trail was developed in collaboration with the local community and other concerned organizations, the proposed project has enthusiastic support from a wide variety of groups and individuals, including the citizens' group Restore the Shore (formerly Derail the Trail), the Sierra Club, Surfriders, the Orange County Transportation Authority, and State Parks. State Senator Bill Morrow and Assemblywoman Mimi Walters have also expressed support for the proposed project. Letters received in support of the proposed authorization are attached in Exhibit 5.
4. **Location:** The proposed project would be located within the coastal zone of the City of San Clemente.
5. **Need:** The City has been very successful in tapping a wide variety of funding sources in order to complete the trail project (see "Project Financing" section above). Some of the grants already obtained by the City require that the City use the funds by the end of 2005. The proposed Conservancy grant is required to fill the remaining funding gap and enable the City to begin construction this spring, thus ensuring that the City will complete the project by the end of the year and not lose any existing grant funds.
6. **Greater-than-local interest:** More than 2,000,000 people per year use the San Clemente coastline, making it a major recreational asset for Orange County and all of southern California. The proposed project would link existing city, county and state beach parks and access facilities in adjacent jurisdictions into a coordinated access system of regional and statewide significance. As such, the proposed project would serve greater than local needs.

Additional Criteria

8. **Resolution of more than one issue:** The proposed project would construct a new section of the California Coastal Trail, would provide much-needed additional coastal access in the City of San Clemente, and would alleviate an existing public safety hazard.
9. **Leverage:** See the "Project Financing" section above.
12. **Readiness:** The City has obtained all the necessary permits and agency approvals and has completed all environmental review. Should the Conservancy authorize the proposed project, the City could commence trail construction as early as March, 2005.
13. **Realization of prior Conservancy goals:** As discussed in the "Project History" above, the proposed project is the implementation of a planning effort funded in part by the Coastal Conservancy. In addition, the proposed project also serves to achieve broader Conservancy goals regarding completion of the California Coastal Trail. Completion of the San Clemente Railroad Corridor Pedestrian Beach Trail is one of the specific projects for Orange County named in the "Recommendations for Action" section of the report "Completing the California Coastal Trail," published by the Conservancy in January 2003. The proposed project would also fulfill two of the Statewide Policy Initiatives for the Coastal Trail by increasing accessibility to State recreational facilities (Initiative #3) and eliminating shoreline obstructions (Initiative #5).
15. **Cooperation:** As discussed in the "Project Summary" and under Project Criterion 3 above, the proposed project is the result of a cooperative effort between the local community, the

City, OCTA and the CPUC, all of which had to agree to the proposed trail and accessway improvements.

CONSISTENCY WITH THE COASTAL CONSERVANCY’S STANDARDS AND RECOMMENDATIONS FOR ACCESSWAY LOCATION AND DEVELOPMENT:

The City of San Clemente incorporated the Coastal Conservancy’s “Standards And Recommendations For Accessway Location And Development” into the project design. The proposed project would thus be consistent with those standards which apply as follows:

Consistent with Standard No. 1, the San Clemente Coastal Trail has been designed to minimize alteration of natural landforms and be subordinate to the natural setting and to protect environmentally sensitive habitats and agricultural areas.

Consistent with Standard No. 2, the project would correct potential hazards to the public safety.

Consistent with Standard No. 7 regarding the construction and location of vertical accessways in urban areas, the two at-grade railroad crossings would be located at street ends and would connect existing public parking areas to the shoreline.

Consistent with Standard No. 8 regarding trails, the proposed trail would not be closer than 10 feet from any existing residence and would connect the shore with inland units of the state and local park system.

The proposed project would also be consistent with Standard No. 12 in that the trail will include support facilities for the public such as signs, trash receptacles, and will improve public access to the existing support facilities (public telephones, restrooms, showers, bike security racks, public transit loading and unloading areas, and parking areas) available at State and City beach parks.

Further, because the proposed project would provide new beach access for persons with physical disabilities, Conservancy funding of the proposed project would be consistent with Standard No. 13, which states that “Accessways that accommodate or plan to accommodate those with mobility problems are the highest priority for State funding.”

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The City of San Clemente Coastal Element, (1981, as amended 1995), which is the certified Local Coastal Program (LCP) of the City, enumerates specific policies to enhance coastal access. Applicable LCP policies include LCP Access Policies #7 and #9.

LCP Policy #7 states: “The City of San Clemente shall promote not only increased access to the shoreline, but increased safety of access, . . .”

LCP Access Policy #9 states: “The City shall seek funding from non-local sources to finance actions to amplify access.” These actions include beach access for the handicapped and improved pedestrian railroad crossings.

As discussed above, the proposed project is consistent with these LCP objectives.

COMPLIANCE WITH CEQA:

Pursuant to the California Environmental Quality Act (CEQA), the City of San Clemente, as lead agency, undertook environmental assessment of the proposed Railroad Corridor Pedestrian Beach Trail in the City of San Clemente through an Initial Study. The Initial Study determined that the proposed project could have possible significant effects on the environment in two areas: biological resources and hazardous materials. Based on that Initial Study, the City incorporated several mitigation measures into the project to reduce these impacts to levels of insignificance. The City adopted the mitigated negative declaration and mitigation monitoring plan (attached as Exhibit 2) by resolution of its City Council on June 3, 2003. The City filed a Notice of Determination with the State Clearinghouse and the County of Orange on June 11, 2003.

The potential environmental impacts of the Railroad Corridor Pedestrian Beach Trail project and the corresponding mitigations, are identified and discussed in detail in Exhibit 2, and are summarized below:

Biological Resources

Impact: Construction of the trail has the potential to disturb vernal pools that may provide habitat for sensitive species. (Exhibit 2, pp. 64, 91).

Mitigation: The trail has been designed to avoid all known vernal pools in the project area. Prior to construction, a certified biologist will review the final plans and identify any areas that need to be fenced off during construction (Exhibit 2, p. 92).

Impact: Trail construction has the potential to disturb a small area (1.1 acre) of Southern Coastal Bluff Scrub, which has been identified by the California Department of Fish and Game as a “threatened natural community.” (Exhibit 2, pp. 64-65, 91).

Mitigation: Any areas of Southern Coastal Bluff Scrub disturbed by project construction will be replanted on-site at a ration of 2:1 after construction is complete. (Exhibit 2, p. 92).

Hazards and Hazardous Materials

Impact: The trail would be located within 10 to 18 feet of a commercial rail line and will include two at-grade pedestrian crossings of the tracks. A known past practice of railroad companies was the application of diesel fuel to the areas around the tracks to control weeds. There is a possibility that residual diesel fuel may remain in the soils adjacent to the railroad tracks. (Exhibit 2, pp. 72, 91).

Mitigation: Prior to construction, soil samples will be taken from the at-grade crossing locations and tested for the presence of diesel fuel or other contaminants. Any contaminated soils would be removed from the site prior to the construction of the pedestrian crossings. (Exhibit 2, p. 92).

Impact: Unknown past practices of the railroad companies may have resulted in deposition of unknown contaminants in the railroad corridor. (Exhibit 2, p. 73).

Mitigation: If suspected hazardous wastes or materials are discovered during project construction, the project contractor shall:

- Immediately stop work in the vicinity of the suspected contaminant and remove worker and the public from the area.
- Notify the City's Project Engineer.
- Secure the area as directed by the Project Engineer.
- Notify the City's Hazardous Waste/Materials Coordinator.

(Exhibit 2, pp. 73, 92).

Conservancy staff has independently reviewed the City's mitigated negative declaration and mitigation monitoring plan and concurs that the proposed project, as mitigated, will not have a significant adverse effect on the environment. Staff recommends that the Conservancy find that the project, as mitigated, will not have a significant effect on the environment. Staff will file a Notice of Determination upon the Conservancy's authorization of the project.