

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD, SUITE 300  
LONG BEACH, CA 90802-4325  
VOICE (562) 590-5071



November 17, 2023

Jenny Vick  
HDR, Inc.

Dear Ms. Vick:

This letter is written to you regarding several large stretches of recently constructed shoreline armoring in the form of rock revetments installed along rail line used, operated or managed by various entities, including but not limited to, the Orange County Transportation Authority ("OCTA"), LOSSAN, Metrolink, and the Southern California Regional Rail Authority ("SCRRA") in South San Clemente, which appears to have lacked coastal development permit ("CDP") authorization from the Coastal Commission ("the Commission"). It is Commission staff's understanding that you are the main point of contact for the above-mentioned agencies and their associated shoreline armoring work. Please note that Commission staff is appreciative of your recent communications, and we wanted to follow up with the preliminary findings of our research into this matter undertaken over the past few weeks.

South San Clemente's coastline, from the southern boundary of San Clemente State Beach down to the Orange/San Diego County line, is nearly completely armored with revetments up to 12 feet high, ranging in width from 20 to 70 feet, most of which have been installed in recent years. This includes the entirety of the coastline fronting Cyprus Shores, Cottons Point, and the Kids First Foundation property.

Of the total approximately 3,500 feet of armored coastline in South San Clemente, the following appears to have permit history with the Coastal Commission:

- Approximately 1,300 feet for the Cottons Point Revetment permitted in 2003 (33°23'18" & 117°35'46" to 33°23'29" & 117°35'52") (Consistency Certification 033-03)
- Approximately 700 feet for the Cyprus Shores Landslide Remediation permitted in 2021-2023 (33°23'38" & 117°35'56" to 33°23'45" & 117°35'59") (CDP Nos. G-5-21-0039, G-5-21-0057, G-5-22-0034, and G-5-22-0035)
- Approximately 300 feet for the North of Pedestrian Tunnel Revetment permitted in 2022 (33°23'46" & 117°35'59" to 33°23'48" & 117°36'00") (CDP No. G-5-22-0034)

Please note that on September 23, 2022, Commission planning staff sent representatives of OCTA and SCRRA a notice of incomplete for CDP No. 5-21-0866, which proposes to permanently authorize the development authorized under emergency CDP Nos. G-5-21-0039 and G-5-21-0057 mentioned above. To complete the emergency CDP applications, Commission planning staff requested submittal of additional information regarding: (1) efforts to minimize impacts to the beach and mitigate unavoidable impacts; (2) State Lands Commission approval; (3) revised as-built package; (4) rock seaward of underpass; (5) interim solution alternatives analysis; (6) quantification of beach access; and (7) revised sand supply worksheet. As of this date, Commission planning staff have not received the requested additional information. Please note that the emergency permits were temporary authorizations and by their respective terms expired after a certain time and required

submittal of a follow-up permit. As of this date, those emergency permits have expired and, thus, the emergency work is presently unpermitted. Although we have received a follow-up application for two of the emergency permits, that application is currently incomplete, and Commission staff has not received a follow-up application for the other two emergency permits.

After review of historic aerial photographs, it appears that placement of the remaining approximately 1,200 feet of unpermitted shoreline armoring took place between 2018 and 2023. Commission staff has searched our internal records and have not found any permit history. These include<sup>1</sup>:

- The area between the Cottons Point Revetment and the Landslide Remediation Revetment (33°23'29" & 117°35'52" to 33°23'38" & 117°36'56")
- The area north of the North of Pedestrian Tunnel Revetment (33°23'48" & 117°36'00" to 33°23'51" & 117°36'02")

Commission staff has also received reports that in March 2023, after a series of mudslides, the Calafia Beach Park revetment, which was permitted by the Commission and United States Army Corps of Engineers in 2003, was augmented with the use of heavy machinery. Please note that placement of any additional shoreline armoring on the Calafia Beach Park revetment is considered “development” under the Coastal Act, and, thus, requires Commission authorization prior to commencement of any work.

Please note that Commission staff understands the need to protect existing railroad infrastructure along the South San Clemente coastline. However, we are concerned that increased unpermitted armoring has amplified erosion of adjacent and neighboring sand beaches, and infringed on the public’s Constitutional and statutory right to access public trust lands. South San Clemente is home to one of the most popular campgrounds in the state and provides some of the most natural coastal environments in Orange County. Previously wide beaches have been eroded to the point where sand beaches, coastal resources, and railroad infrastructure are all now at significant risk. Through this letter Commission staff hopes to address the potentially unpermitted shoreline armoring discussed above, mitigate its significant negative impacts on public access to public beaches and coastal resources, and work with the above-mentioned agencies to protect existing railroad infrastructure in a manner that is consistent with the Coastal Act.

As such, Commission staff is requesting that you amend CDP application No. 5-21-0866 to include (1) a request for follow-up authorization of the emergency work that was temporarily authorized by the above-described four emergency permits; and (2) after the fact authorization for the potential unpermitted shoreline armoring described above that was not authorized by the emergency permits. Please note that as part of our review of said application, Commission staff will consider requisite mitigation requirements to address the significant negative effects that the unpermitted shoreline armoring described above has had on public access to adjacent public trust lands and coastal resources.

Thank you for your attention to this matter. Commission planning staff has informed us you might need additional time prior to the previously scheduled meeting for your presentation on the methodology for the sand calculator and would like to reschedule for early December. Commission staff is willing to accommodate this request and would like to further discuss the contents of this

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<sup>1</sup> Please see Exhibit 1 for reference.

letter with you at the meeting. Please contact me via email at [spenser.sayre@coastal.ca.gov](mailto:spenser.sayre@coastal.ca.gov) if you have any further questions.

Sincerely,

Spenser Sayre, Esq.  
South Coast District Enforcement

**Cc: Lisa Haage, Chief of Enforcement, CCC**  
**Aaron McLendon, Deputy Chief of Enforcement, CCC**  
**Karl Schwing, Deputy Director, CCC**  
**Andrew Willis, Enforcement Counsel, CCC**  
**Vin Lee, Planner, CCC**  
**Dan Phu, OCTA**  
**Jason Lee, OCTA**  
**Elizabeth Lun, SCRRA**  
**Adam Keen, HDR**  
**Andrew Keller, HDR**  
**Avi Shah, HDR**

## EXHIBIT 1



*Figure 1. Overview of south San Clemente Revetments (looking south)*