

CALIFORNIA COASTAL COMMISSION

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Filed: June 6, 2007
49th Day: July 25, 2007
180th Day: December 3, 2007
Staff: Liliana Roman-LB
Staff Report: June 21, 2007
Hearing Date: July 9-13, 2007
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-07-176

APPLICANT: City of San Clemente, Attn: Ken Katz, Engineering Division

PROJECT LOCATION: Beach Access Stairs on Buena Vista across the street from Dije Court, San Clemente, Orange County

PROJECT DESCRIPTION: Repair work to an existing reinforced concrete stairway with steel handrails consisting of crack repair of steps, curbs, landings and concrete wall handrail supports; post and handrail securing and galvanizing; spot replacement of deteriorated wood lagging; protective coating of new and existing wood lagging; and non-skid traffic coating of landings and stairs.

LOCAL APPROVALS RECEIVED City of San Clemente Planning Division Approval-in-Concept dated May 14, 2007.

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan (LUP), Geotechnical Investigation, Structural Calculations for Handrail & Stairway Repairs at Dije Beach Access, San Clemente prepared by TM Engineers, Inc., dated April 25, 2007.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with three (3) special conditions, which require 1) compliance with construction-related best management practices (BMPs), 2) timing of construction, and 3) re-vegetation with natives if existing landscaping is disturbed by the project. The primary issue associated with this development is coastal access.

LIST OF EXHIBITS:

1. Location Map
2. Assessors Parcel Map
3. Coastal Access Points Exhibit
4. Project Plans
5. Pedestrian Detour Map

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

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 permittee 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 this permit is reported to the Commission. 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 permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

1. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter the storm drain system leading to the Pacific Ocean;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed of outside the coastal zone, as proposed by the applicant.
- (e) Concrete trucks and tools used for construction of the approved development shall be rinsed off-site;
- (f) Staging and storage of construction machinery and storage of debris shall not take place on the foot of the bluff and Coastal Multi-Use Trail.

2. Timing of Construction

Construction activities authorized pursuant to Coastal Development Permit No. 5-07-176 shall not be permitted during the peak use season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year.

3. Re-vegetation

In the event that existing vegetation is disturbed during implementation of the project authorized by CDP 5-07-176, the applicant shall replant the affected area with native, drought-tolerant, non-invasive plant species appropriate to the habitat type. Native plants shall be from local stock wherever possible. PRIOR TO COMMENCEMENT OF ANY RE-VEGETATION, the applicant shall submit to the Executive Director for review and approval a re-vegetation plan prepared by a licensed landscape architect that includes, at minimum, a map showing the type, size, and location of all plant materials, any irrigation system (which, if any, shall be temporary and above-ground), topography of the site, and all other landscape features, and a schedule for installation of plants. The plan shall demonstrate provisions to ensure that no plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. The plan shall also demonstrate provisions to ensure that no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Any existing landscaping within the disturbed area that doesn't meet the above requirements shall be removed. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The project site is the public beach access stairway on Buena Vista across the street from Dije Court in the City of San Clemente, Orange County (Exhibits 1 & 2). The Dije Beach Access is an existing reinforced concrete stairway with steel handrails on the bluff face public right-of-way connecting to the City's central beaches and to the multi-use Coastal Trail along the inland side of the rail corridor. The Dije Court public right-of-way is a 12,444 square foot lot (0.29 acres) consisting of 1,900 square feet of paved area for the stairs and 10,544 square feet of landscaping from the bluff top at Buena Vista to the Coastal Trail at the toe of the bluff. Landscaping on the bluff adjacent to the access stairs consists of non-native ice plant, Algerian ivy and pampas-like grasses. Surrounding development on Buena Vista consists of low-density single-family residences. The Dije Beach Access is a designated Beach Access Point #4 for the Pico/Palizada area in the San Clemente Certified Land Use Plan (LUP) as shown on Exhibit 3. According to the LUP, this beach is one of the more popular surfing beaches in the City; however, this access point primarily serves adjacent residential areas. There are approximately ten on-street parking spaces on Buena Vista. The nearest public beach parking lot is located at North Beach with approximately 250 metered off-street and 100 metered on-street parking spaces.

The City of San Clemente proposes to repair extensive stairway damage caused by age and exposure to the harsh marine environment; the repair is necessary to improve pedestrian safety of this public beach access way. The proposed repairs include crack repair of steps, curbs, landings and concrete wall handrail supports; post and handrail securing and galvanizing; rust removal from handrails and posts by sandblasting; spot replacement of deteriorated wood lagging; wood preservative coating of new and existing wood lagging; and non-skid traffic coating of landings and stairs. No grading or extensive replacement to the existing retaining wall at the mid-point landing is proposed. Although the proposed repair project does not result in an addition or expansion of the public access stairway, it is not exempt from coastal development permit requirements as the project is located on a coastal bluff. The applicant has not submitted a re-vegetation plan as the repair work will be confined to the existing 7' wide stairway and is not anticipated to adversely impact the bluff or bluff vegetation. Project plans are included as Exhibit 4.

As noted above, the existing vegetation within the right of way is primarily non-native species, some of which may be invasive. The Commission encouraged the applicant to replace these plant species with drought tolerant natives, but the applicant declined stating that the vegetated areas won't be disturbed and that re-landscaping is beyond the scope of work proposed. However, if for any reason any vegetation is disturbed during the proposed project, the Commission finds that the applicant must re-vegetate with native, drought-tolerant plant species appropriate for bluff faces. This is consistent with past Commission action and the City's certified LUP, which advocates the preservation of native vegetation and discourages the introduction of non native vegetation. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ips.org/>) and California Native Plant Society (www.CNPS.org) in their publications. The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

The beach access stairway will be temporarily impacted during the repair/maintenance activities. The stairway will be closed for a minimum of three (3) weeks to allow the new concrete to set. Construction is proposed during the "off peak use" beach season in September or October 2007,

minimizing access impacts to beach goers and avoiding construction impacts posed by the winter rainy season. Pedestrian detour signs will be placed at the top and bottom of the beach access stairway and approximately every 150 feet along Buena Vista and along the beach directing beach goers to the El Portal Beach Access, located approximately 675 feet south of the Dije Beach Access as indicated on Exhibit 5.

During construction, the applicant proposes and will be required to implement best management practices (BMPs) designed to minimize erosion and prevent debris from entering coastal waters.

B. HABITAT, RECREATION AND PARK IMPACTS

The proposed development will have no significant adverse impact on adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project conforms to Section 30240(b) of the Coastal Act.

C. DEVELOPMENT

Development adjacent to the edges of hillsides and bluffs is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access and visual resources. To minimize risks to life and property and to minimize the adverse effects of development on hillsides and bluffs, the development has been conditioned to require adherence to water quality Best Management Practices (BMPs). As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding the siting of development in hazardous locations.

D. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials and the use of post construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. PUBLIC ACCESS

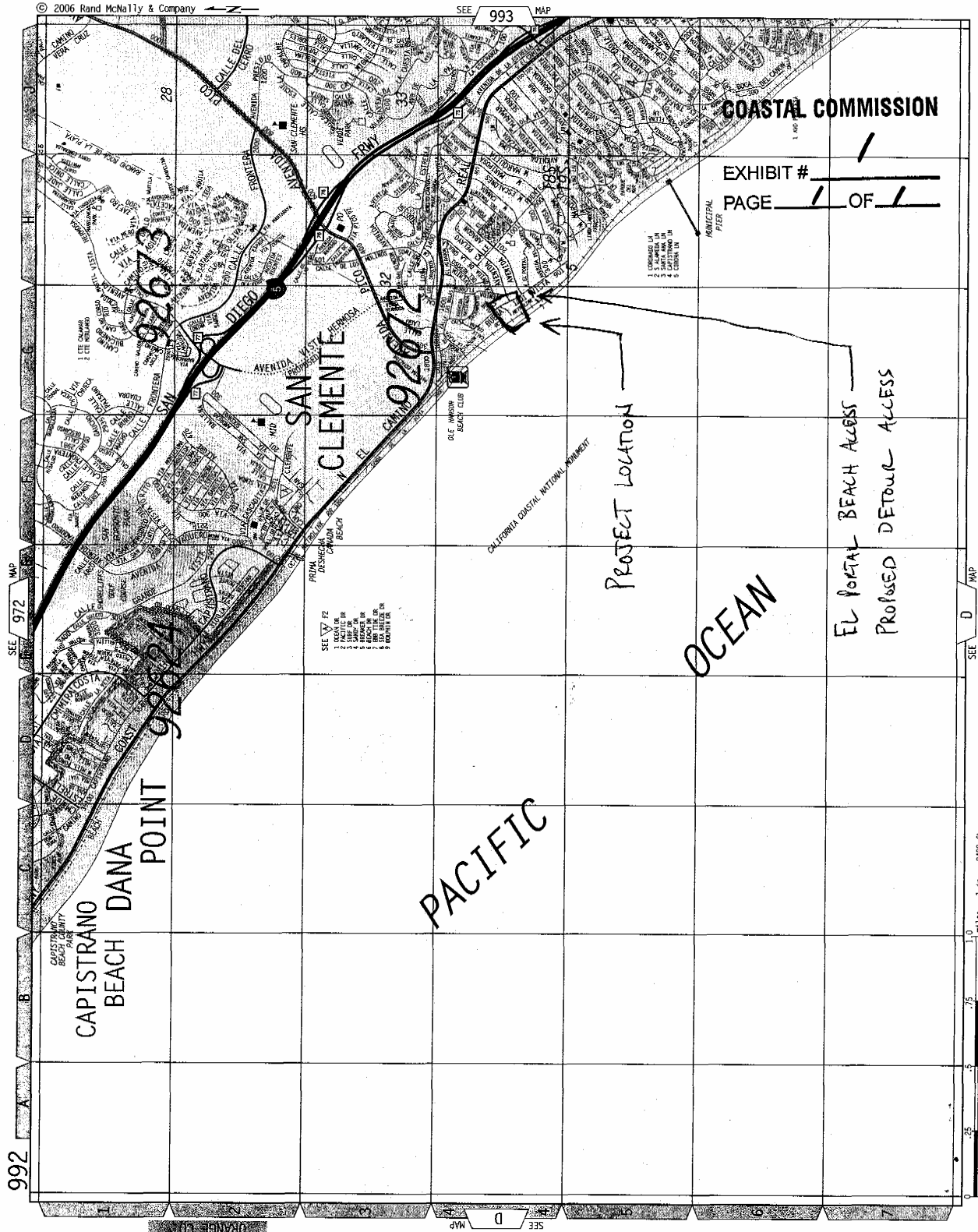
The proposed development will provide necessary repairs to an existing public beach access point thereby enhancing the public safety and ability to gain access to, and/or to use the coast and nearby recreational facilities. Access will be temporarily impacted during construction. As proposed, appropriate signage will direct the public to the nearest beach access point at the El Portal beach access stairway, 675 feet south of the project site. Therefore, as proposed, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

F. LOCAL COASTAL PROGRAM

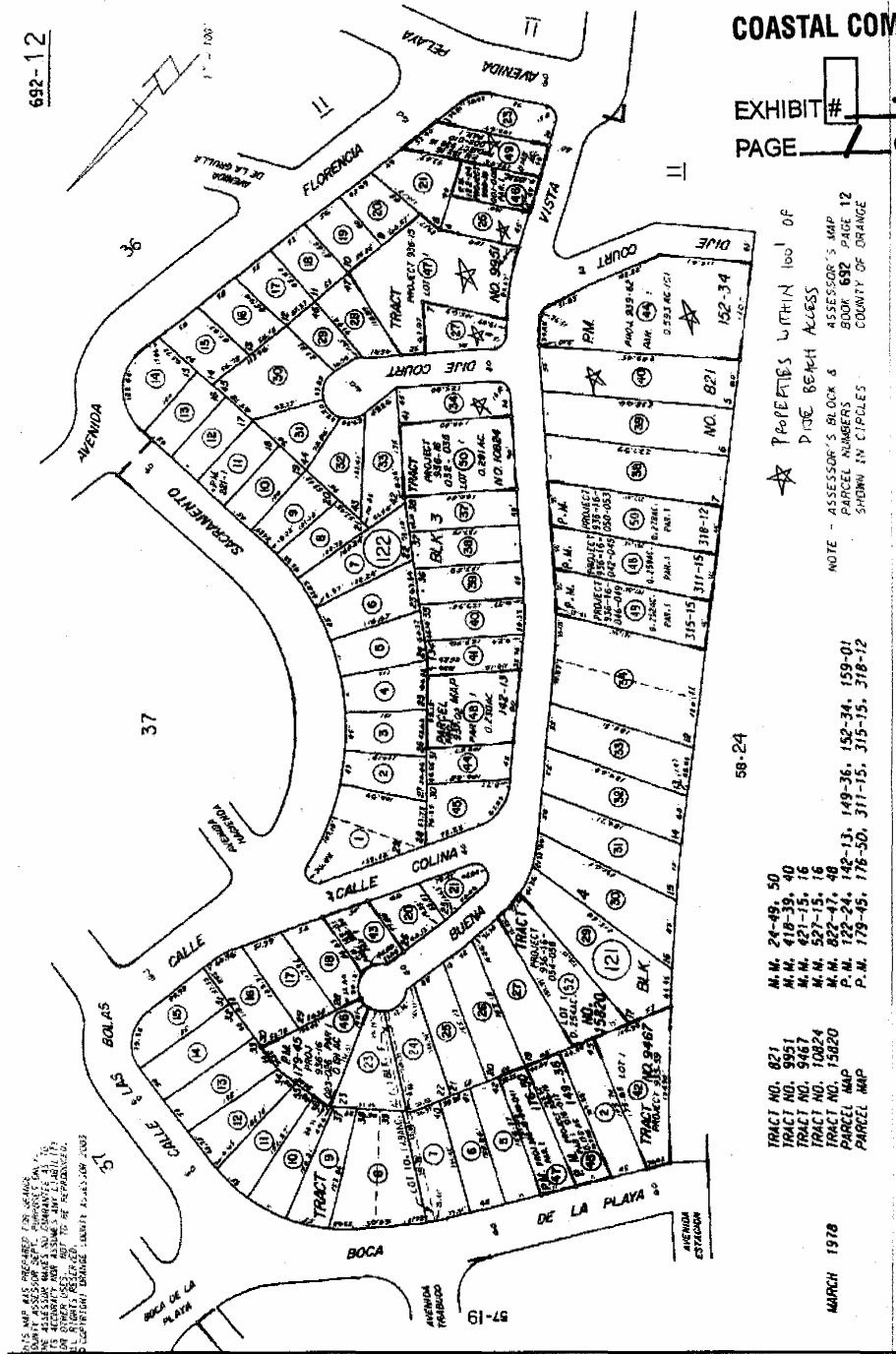
The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. 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.



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EXHIBIT # 3
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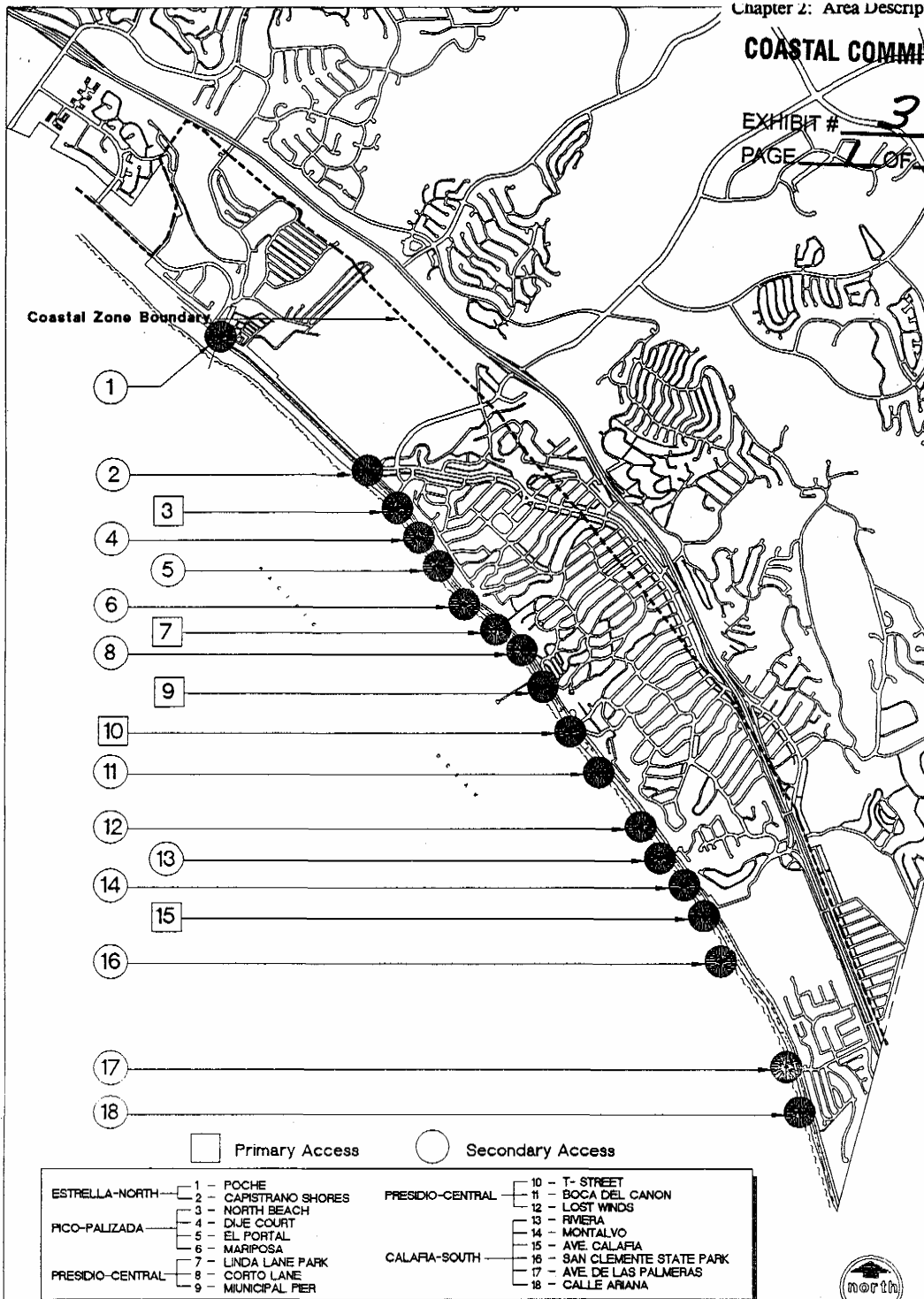
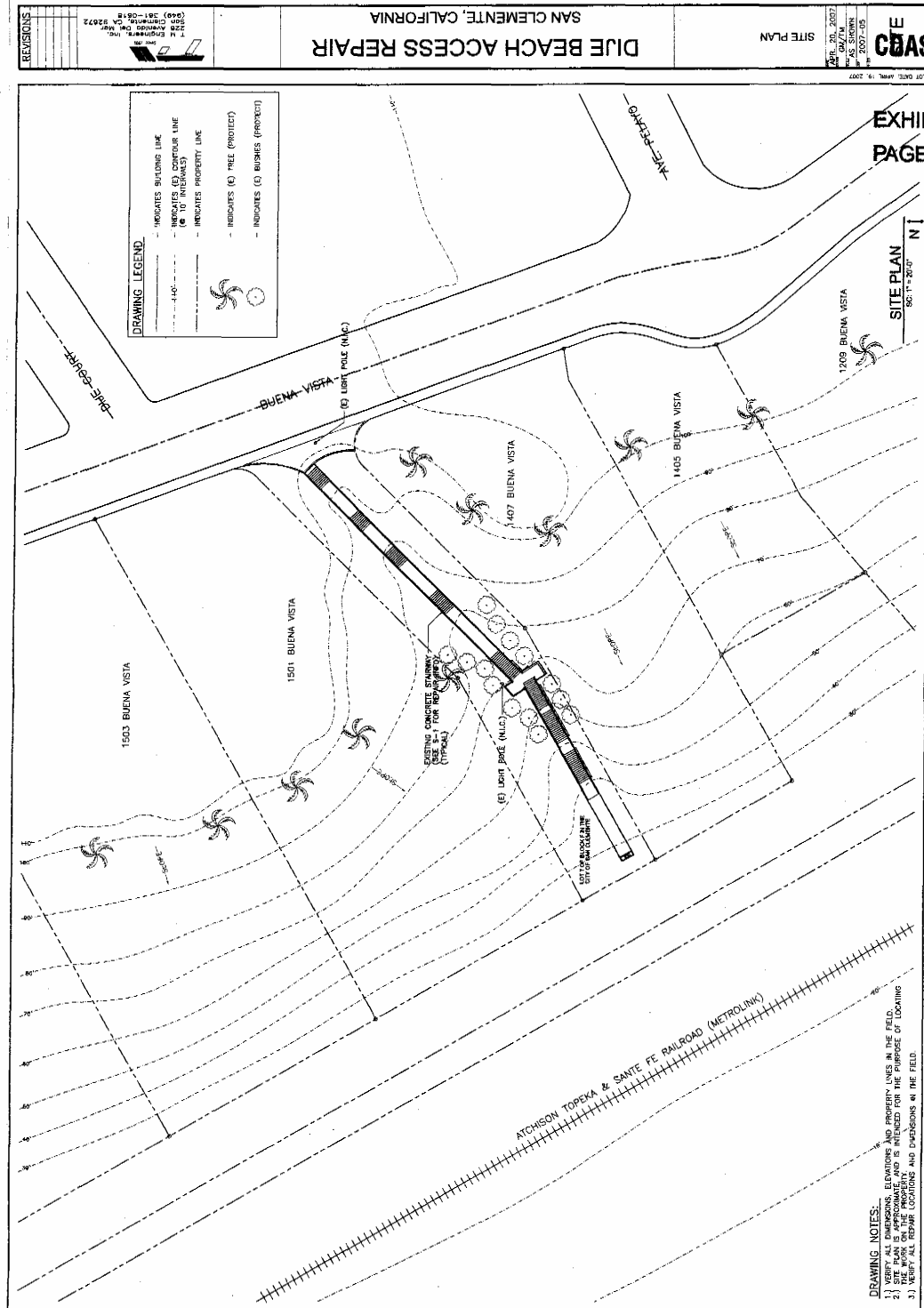
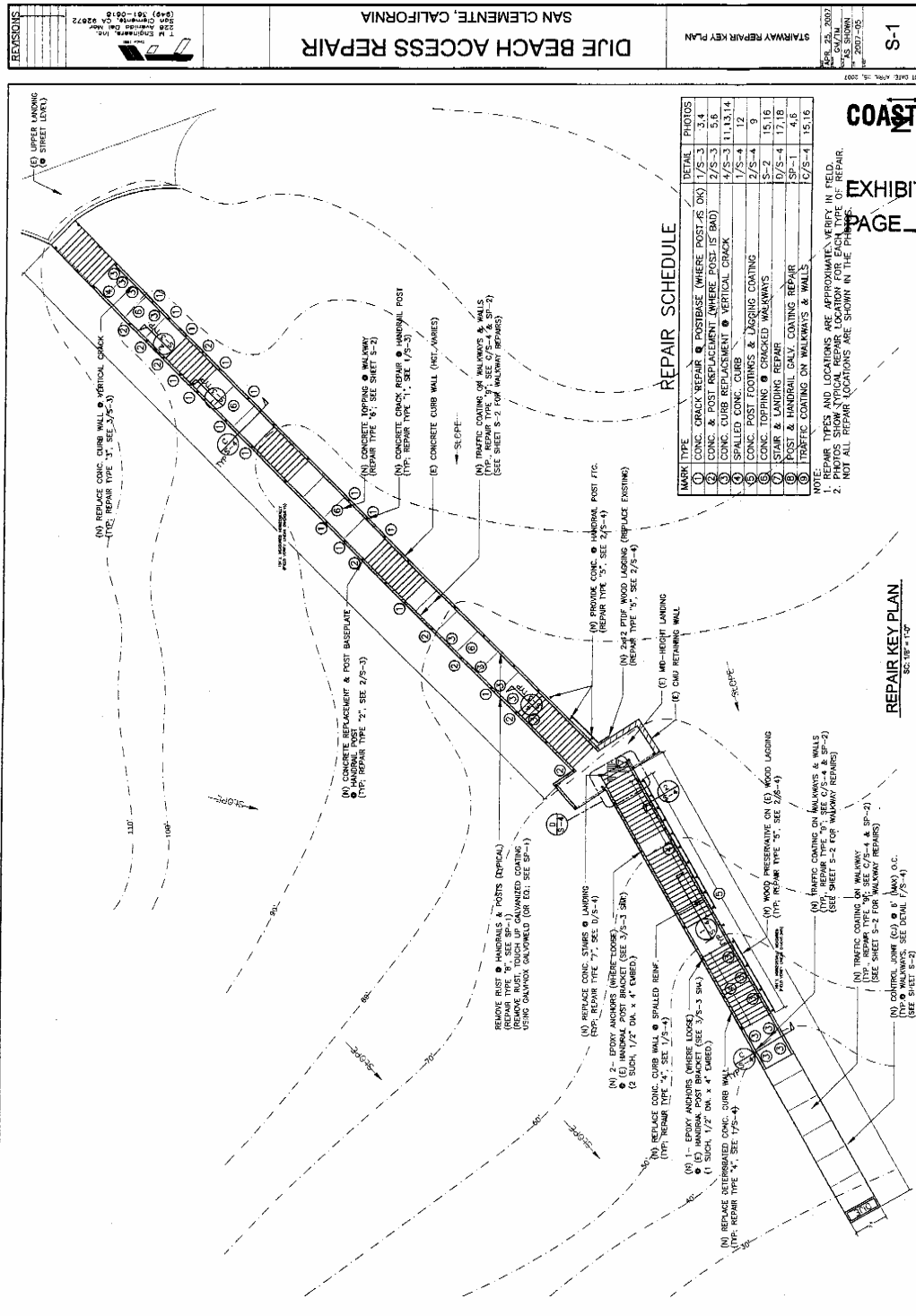


FIGURE 2-5

**CITY OF SAN CLEMENTE
 COASTAL ACCESS POINTS**

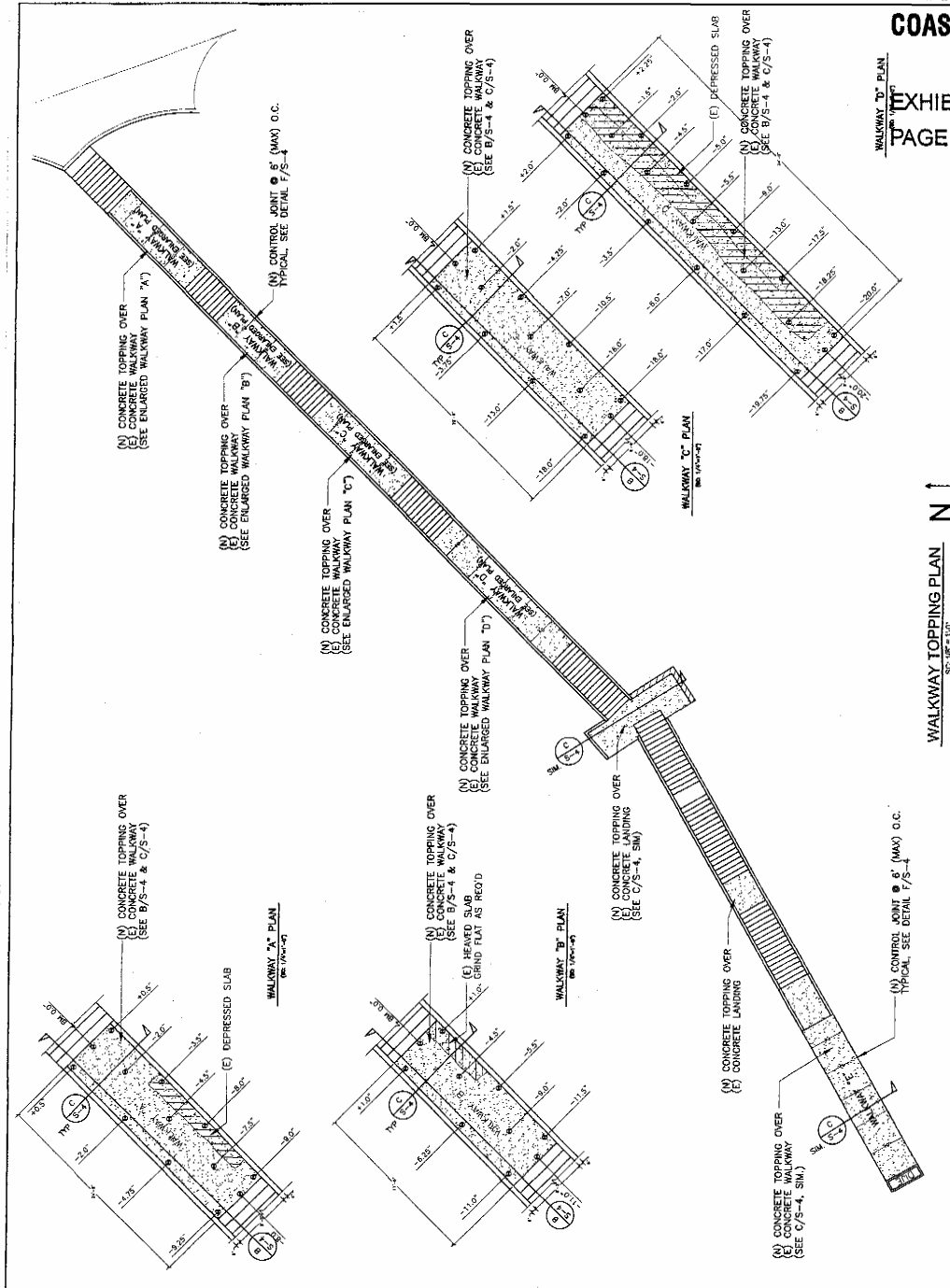




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EXHIBIT # 4
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WALKWAY TO PLAN
EXHIBIT # 4
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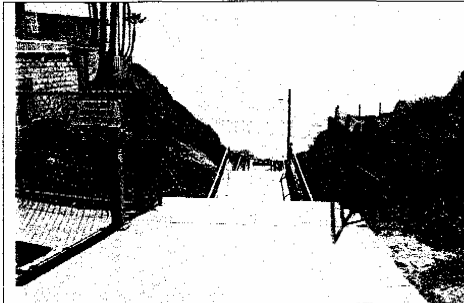


Photo 1. Looking west from the entrance

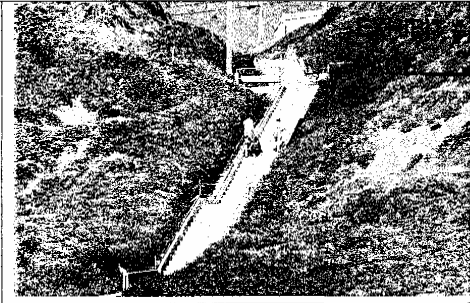


Photo 2. Looking up from beach

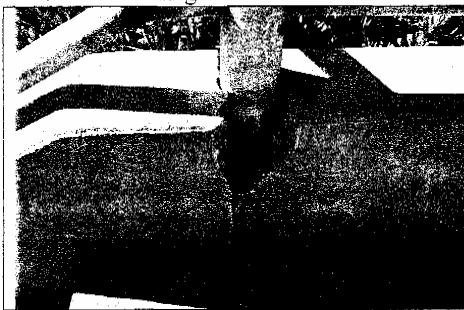


Photo 3. Guardrail anchor & curb failure



Photo 4. Guardrail anchor & curb failure



Photo 5. Guardrail anchor & curb failure



Photo 6. Guardrail anchor & curb failure

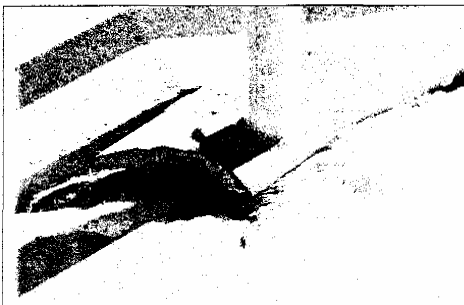


Photo 7. Guardrail anchor concrete failure



Photo 8. Guardrail anchored to wall

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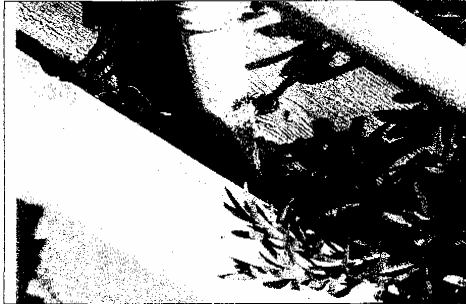


Photo 9. Guardrail anchored in dirt

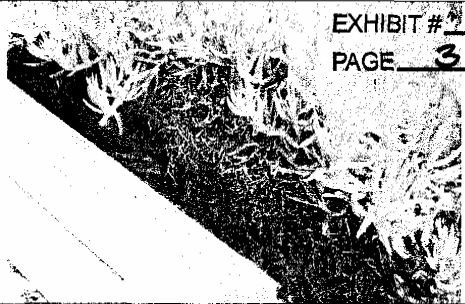


Photo 10. Guardrail & plank ret. wall

EXHIBIT # 5
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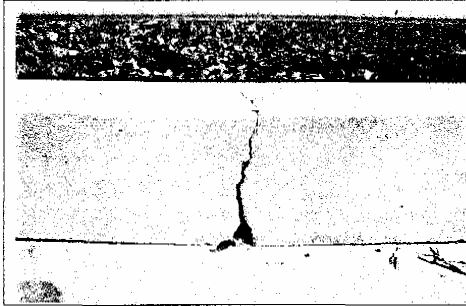


Photo 11. Concrete curb crack



Photo 12. Concrete curb crack

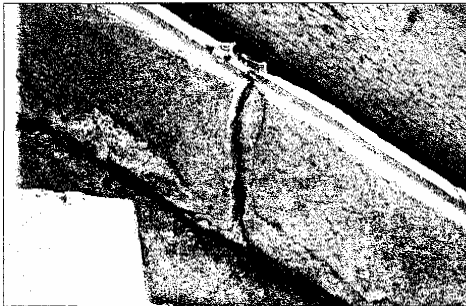


Photo 13. Concrete curb crack



Photo 14. Concrete curb crack



Photo 15. Concrete walkway cracks



Photo 16. Concrete walkway cracks



Photo 17. Concrete step cracks
alkway and step cracks



Photo 18. W

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EXHIBIT # 5
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DUE BEACH ACCESS REPAIR
 ● PEDESTRIAN DETOUR SIGN LOCATIONS



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