CALIFORNIA COASTAL COMMISSION

South Coast Area Office 200 Oceangate, Suite 1000 Long Beach, CA 90802-4302 (562) 590-5071



Item W6b

Filed: April 28, 2009
49th Day: June 16, 2009
180th Day: January 23, 2010
Staff: Liliana Roman-LB
Staff Report: August 19, 2009
Hearing Date: September 9-10, 2009

Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-09-083

APPLICANT: City of San Clemente, Attn: Tom Bonigut, Public Works

PROJECT LOCATION: Plaza A La Playa Channel Outlet (adjacent to 2310 Plaza a

la Playa), San Clemente, Orange County

PROJECT DESCRIPTION: Construction of an approximately 100 linear feet by 2 feet

wide and 10-14 feet tall flood wall adjacent to the downstream end of the existing Plaza a la Playa concrete

channel at the mouth of the Riviera Canyon

LOCAL APPROVALS RECEIVED City of San Clemente Planning Division Approval-in-

Concept dated April 2009

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan (LUP),

Delineation of Jurisdictional Waters, Plaza La Playa Channel Floodwall Construction Project, City of San Clemente, CA by RBF Consulting dated February 20, 2009; Draft Geotechnical Investigation Report, Plaza a la Playa Storm Channel Modifications, San Clemente, CA by Earth Mechanics, Inc. dated January 20, 2006; Biological Constraints Survey for the Plaza la Playa Flood Wall Construction Project Site in the City of San Clemente, Orange County, CA by BonTerra Consulting dated April 3,

2009.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending <u>APPROVAL</u> of the proposed project with seven (7) special conditions, which require 1) compliance with construction-related best management practices (BMPs), 2) cement slurry BMPs; 3) color and texture plan; 4) submittal of final plans; 5) staging area for construction; 6) timing of construction and 7) re-vegetation areas disturbed by construction. The primary issues associated with this development are flood control, public access and visual impacts.

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LIST OF EXHIBITS:

- 1. Location Map
- 2. Assessors Parcel Map
- 3. Coastal Access Points Map
- 4. Coastal Canyons Map
- 5. Project Plans
- 6. Site Photographs

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 <u>YES</u> 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 <u>APPROVES</u> 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. <u>Notice of Receipt and Acknowledgment.</u> 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. <u>Expiration.</u> 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. <u>Interpretation.</u> Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> 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.

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5. <u>Terms and Conditions Run with the Land.</u> 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. <u>Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris</u>

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 preconstruction 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 within the drainage channel and public Coastal Multi-Use Trail.
- 2. Cement Slurry Best Management Practices

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director, a Best Management Plan that effectively assures no cement slurry or other construction byproduct will be allowed to enter into coastal waters. During cement slurry application specifically, the Plan shall at a minimum provide for all cement slurry to be contained through the use of tarps or similar barriers that completely enclose the application area and that prevent cement slurry contact with beach sands and/or coastal waters. All cement slurry and other construction byproduct shall be properly collected and disposed of off-site.

3. Color and Texture Plan

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- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a plan demonstrating that the color and texture of the structure will be compatible with the adjacent canyon vegetation. The plan shall demonstrate that:
 - 1. the structure will be colored/constructed with concrete that has been colored with earth tones that are compatible with the adjacent canyon vegetation,
 - 2. white and black tones will not be used,
 - 3. the color will be maintained through-out the life of the structure,
 - 4. the structure will be textured for a natural look that better blends with the canyon vegetation
 - 5. drought tolerant, non-invasive vegetation may also be used if feasible to cover and camouflage the structure.
- B. The permittee shall undertake development in accordance with the approved final color and texture 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 legally required.
- 4. Final Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final project plans to the Executive Director for review and approval. The plan shall substantially conform to the preliminary floodwall plans and shall also depict work area limits including grading area limits and indicate re-vegetation for these disturbed work areas.

5. Landscaping – Native, Drought Tolerant, Non-Invasive Plants

All areas affected by construction activities not occupied by structural development shall be revegetated for habitat enhancement and erosion control purposes.

Vegetated landscaped areas shall only consist of native, drought tolerant plants, which are non-invasive and appropriate to the habitat type. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), 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. 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. All plants shall be low water use plants as identified by California Department of Water Resources (See: http://www.owue.water.ca.gov/docs/wucols00.pdf).

- 6. Construction Staging Area
- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit a plan for the review and approval of the Executive Director which indicates that the

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construction staging area(s) and construction corridor(s) will avoid impacts to public access, to beach areas or to sensitive habitat areas.

- 1. The plan shall demonstrate that:
 - (a) Construction equipment or activity shall not occur outside the staging area
 - (b) Public parking areas shall not be used for staging or storage of equipment
 - (c) Beach areas shall not be used as staging areas
 - (d) The staging area for construction of the project shall not obstruct vertical or lateral access to the beach.
- 2. The plan shall include, at a minimum, the following components:
 - (a) A site plan that depicts:
 - (1) Limits of the staging area(s)
 - (2) Construction corridor(s)
 - (3) Construction site
 - (4) Location of construction fencing and temporary job trailers, if any
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. Timing of Construction

Construction activities authorized pursuant to Coastal Development Permit #5-09-083 shall not obstruct public beach access from the Riviera Beach Accessway or public access to the San Clemente Multi-Use Coastal Trail 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. Construction shall take place during the off-peak season to the most practicable extent possible. In the event that closure of the Riviera Beach Accessway is temporarily required for construction purposes, signage shall be provided directing the public to the nearest public beach accessway and such a closure shall only be permitted during non-holiday, mid-week periods that are outside the peak use season. The period of closure shall be minimized.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

Project Location

The proposed project is located between the first public road and the sea within the Plaza La Playa/Riviera Coastal Canyon shallow concrete channel which runs northwesterly of Plaza a la Playa in the City of San Clemente, Orange County (Exhibits 1 & 2). The proposed project site is within a 10 foot wide City owned drainage easement adjacent within the single family property at 2310 Plaza a la Playa. The site is designated as Residential Low Density in the certified Land Use Plan. Plaza a la Playa is a double-ended cul-de-sac located in a residential neighborhood approximately two (2) miles south (downcoast) of the municipal pier and 1/5th mile north (upcoast) of Calafia Beach Park. The channel is a shallow 10 feet wide and approximately 400 feet long concrete channel which receives surface water runoff from an upstream watershed tributary which is conveyed through a storm drainage system that discharges from an 72-inch pipe at the mouth of the Riviera Coastal Canyon into the concrete channel before discharging into the Pacific Ocean at an existing culvert under the railroad tracks and onto Riviera Beach.

The nearest public beach access is available at the Riviera access point located at the lower reach of the channel at an existing culvert under the railroad tracks that serves as the discharging point for the drainage and as a pedestrian beach access way onto Riviera Beach (Exhibit 3); this access point primarily serves adjacent residential areas. The San Clemente Coastal Trail runs parallel to the beach in this area and the proposed development would be visible from the trail. The City has designated all coastal canyons, including the Riviera Canyon as environmentally sensitive habitat areas (ESHA), as depicted in Exhibit 4. According to the applicant's analysis, the drainage at the bottom of the Riviera Coastal Canyon is considered a jurisdictional wetland by the Commission's single element criteria.

Project Description

During large storm events, the lower reach of the channel floods because it cannot contain flows from large storm events and because the existing culvert is undersized. The lowest reach of the channel is at the lowest elevation level at the mouth of the coastal canyon. The City proposes to construct an approximately 100 linear feet by 2 feet wide and 10 feet – 14 feet high floodwall adjacent to the existing concrete channel at the downstream end on the east bank to protect a private property developed with a single family residence. The other properties along the east and west banks adjacent to the channel are at sufficiently higher elevations than the flooded water surface elevation and therefore are not in danger of flooding waters. The primary objectives of the proposed floodwall project are to protect existing development from flooding and ensure that the flood control capacity of the system is equal to or greater than the existing condition. Project Plans are included in Exhibit #5. The submitted plans are 65% progress plan prints, therefore, **Special Condition #4** is imposed requiring submittal of final plans prior to the issuance of permit.

The adjacent eastern canyon slope is vegetated with ornamental non-native plant species. The western slope is also vegetated with ornamental non-native plants such as iceplant and eucalyptus. No vegetation (native or otherwise) was identified within the drainage channel. The floodwall construction will be located outside of the streambed. The floodwall is proposed to be constructed on an existing concrete lip/curb adjacent to the eastern bank/slope. During construction, the applicant proposes and will be required to implement best management practices (BMPs) designed to avoid temporary impacts to the channel by minimizing erosion and preventing

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soil and debris from entering the channel and coastal waters. Furthermore **Special Condition #2** requires the applicant comply with cement slurry best management practices (BMPs).

Construction access to the site will be from either the Riviera pedestrian beach accessway off of the Plaza La Playa cul-de-sac and from the San Clemente Multi-Use Coastal Trail adjacent to the railroad right-of-way. Access to the beach trail is proposed from Boca del Canon Road approximately 0.36 mile to the northwest of the project site. The beach trail has previously been used by the City for regular maintenance and construction access. Equipment expected to be required for the construction of the floodwall include utility pick-up trucks and an excavator for the drilling of the soldier piles used for the wall support. The concrete floodwall would be poured in place pumped from a boom truck set up on the Plaza a La Playa cul-de-sac.

Public Access

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for development between the nearest public road and the sea include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3. As shown in Exhibit 3, the proposed floodwall will be located between the first public road and the sea within the Riviera drainage channel, directly inland of the OCTA railroad tracks.

Construction impacts, such as the obstruction of the Riviera (pedestrian railroad underpass) beach accessway, can affect the public's ability to access the adjacent beach area. Construction related impacts can be partially alleviated by limiting construction work to the off-season (fall and winter) when beach use by the public is typically low. Therefore, the City intends for construction to commence April 1, 2009 and finish prior Memorial Day weekend. As such, the proposed project should be completed prior to the peak beach use season. The City has also indicated that beach access will not be affected during construction, as all work will occur within the drainage easement. Although construction access to the drainage easement will be via the Riviera public beach accessway and from the San Clemente Multi-Use Coastal Trail parallel to the beach adjacent to the railroad, neither will be closed off to the public during construction.

Although the applicant intends to complete the project prior to peak beach use season and to maintain public access during construction, there is a possibility for delay and/or unexpected construction impacts. Therefore, to guarantee that public access is maintained during peak beach use season, the Commission imposes **Special Condition #6** requiring construction to occur prior to the Memorial Day weekend and/or following the Labor Day weekend to the maximum extent practicable and requiring signage posted on site during construction to notify the public of the nearest pedestrian railroad crossing in the event that the accessway is obstructed during construction. The condition prohibits closure of any accessway during the peak beach use season. Temporary closure for minimal duration may occur during the off-peak season, if necessary. Furthermore, **Special Condition #5** requires the submittal of a project construction staging plan to ensure that the staging site does not adversely impact public access to the beach or coastal resources.

Coastal Canyon Habitat

The City has designated all coastal canyons, including the Riviera Canyon as environmentally sensitive habitat areas (ESHA) as coastal canyons act as open space and are potential wildlife habitat, as well as potential corridors for native fauna. However, decreases in the amount of native vegetation due to displacement by non-native vegetation have resulted in cumulative adverse impacts upon the habitat value of the canyons. As such, the quality of canyon habitat must be assessed on a site-by-site basis. The canyon portion that is part of the City's 10' drainage easement within the 2310 Plaza a la Playa private property lot where the work is proposed is

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degraded due to the presence of non-native ornamental plant species. No portion of the site contains resources that rise to the level of ESHA. The project site is not likely to be considered a significant wildlife movement corridor on a regional basis and the proposed project will not impact the migration of wildlife species.

As noted above, the existing vegetation within the 10' drainage easement is vegetated with ornamental non-native plants. Vegetation at the base of the canyon slope at the location of the proposed floodwall also consists of a dominance of non-native species. The footprint of the proposed floodwall will be mostly confined to the existing 10' wide drainage easement including the required approximately 220 cubic yards of back fill to support the floodwall. The fill will be between the flood wall and canyon slope. Fill within the canyon is allowable for a flood control project. The applicant has not submitted a re-vegetation plan for the areas disturbed by construction activities. As the San Clemente certified LUP advocates the preservation of native vegetation and discourages the introduction of non-native vegetation in coastal canyons, the Commission finds that the applicant must re-vegetate the impacted work area for erosion control and to improve the habitat value of the canyon. **Special Condition #7** requires the applicant re-vegetate canyon areas disturbed by grading and construction activities with native drought tolerant plant species.

Visual Resources

The proposed development is located in a drainage channel at the mouth of the Riviera Coastal Canyon immediately adjacent to the public beach. The site is not visible from the public beach due to the berm created by a rock revetment at the OCTA railroad tracks. From the beach, only the houses on the canyon top are visible. However the site and the proposed floodwall would be highly visible when traveling southbound on the public San Clemente Multi-Use Coastal Trail (Exhibit #6).

Development at this location must be sited and designed to be visually compatible with the relatively undisturbed character of the canyon slope in this area. It is also necessary to ensure that new development be sited and designed to protect views along the San Clemente Multi-Use Coastal Trail. To address the visual impact of a 10-14 foot tall concrete floodwall, the Commission imposes **Special Condition #3** requiring the proposed floodwall be colored and textured to blend into the coastal canyon vegetation and thereby avoid possible negative visual impacts. In addition to the color and texture, vegetation may also be used if feasible to cover the flood wall.

B. HABITAT

As conditioned, the development will not result in significant degradation of 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, as conditioned, conforms to Section 30240(b) of the Coastal Act.

C. DEVELOPMENT

Development adjacent to slopes such as those found on canyons or hillsides 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 the development has been conditioned to: require an appropriate setback from the top of slope, to prohibit construction of protective devices (such as a retaining wall) in the future, for a drainage and runoff control plan to minimize percolation of water into the slope, for a landscaping plan, and to require that the landowner or and any successor-in-interest assume the risk of undertaking the development. 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 storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms with Sections 30230 and 30231 of the Coastal Act.

E. PUBLIC ACCESS

Public access to the beach is available at the Riviera beach access point immediately downstream from project site. Construction of the proposed project will not adversely affect the public's ability to access the coast and/or to use the coast and nearby recreational facilities. As proposed, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

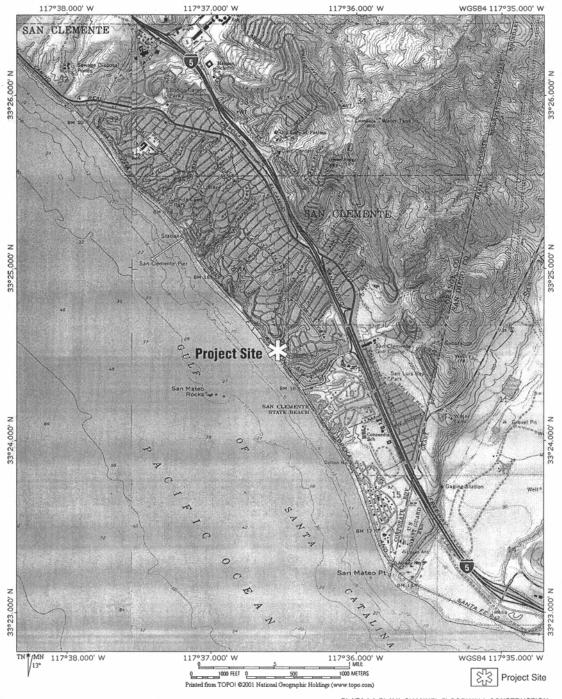
F. LOCAL COASTAL PROGRAM

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 additional feasible mitigation measures available which would substantially lessen any significant adverse effect, which 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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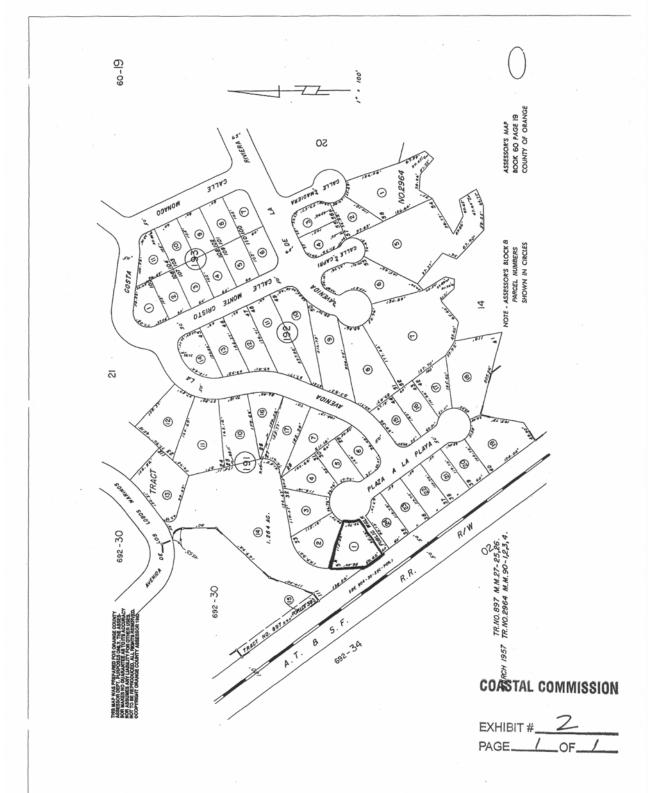
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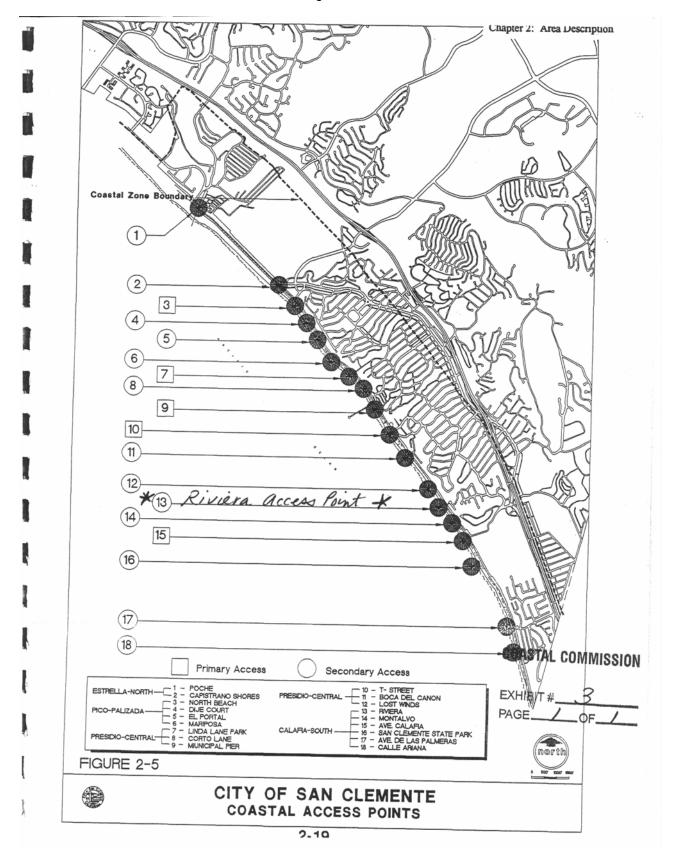
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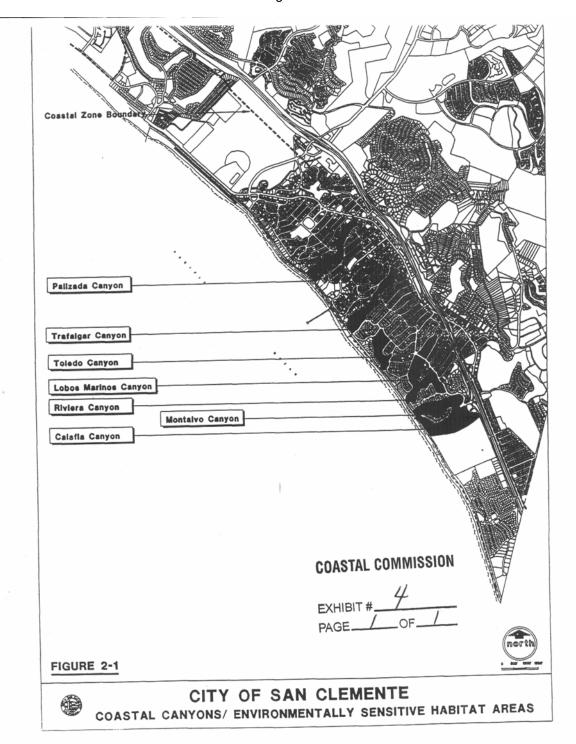
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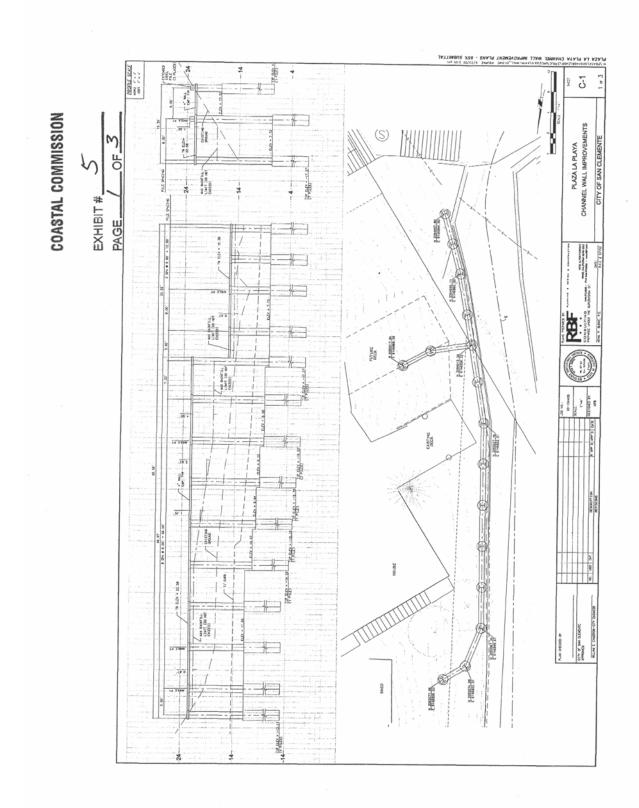
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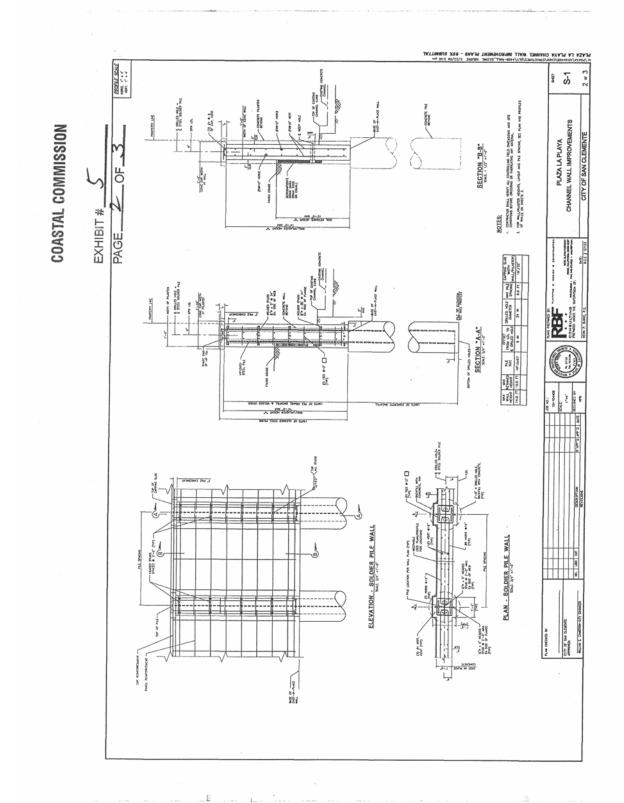












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Photos 1 - View of project site from the beach access trail. Floodwall will be located along the northern (right) **GOASTATE COMMISSION** drainage.

EXHIBIT # P

COASTAL COMMISSION Photo 2 - View of the project site looking northwest from the pedestrian trail.

EXHIBIT# 6
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COASTAL COMMISSION

EXHIBIT #