

CALIFORNIA COASTAL COMMISSION

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Staff: Liliana Roman-LB
Staff Report: February 17, 2010
Hearing Date: March 10-12, 2010
Commission Action:

W22b**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-09-249

APPLICANT: City of San Clemente, Attn: Akram Hindiye, Engineering

PROJECT LOCATION: El Camino Real & Avenida Pico Intersection, San Clemente, Orange County

PROJECT DESCRIPTION: Travel lane improvements along segments of El Camino Real and Avenida Pico, turning lane improvements, new traffic signal at the intersection of El Camino Real and Avenida Estacion, bike lanes and sidewalk extensions and upgrades including: 8-foot wide sidewalks on both sides of Avenida Pico, 7-foot sidewalk on the coastal side of El Camino Real, 5-foot and 8-foot sidewalks on the inland side of ECR north and south of Avenida Pico respectively.

LOCAL APPROVALS RECEIVED City of San Clemente Planning Division Approval-in-Concept dated December 18, 2009

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan (LUP), *Jurisdictional Status of the Area for Proposed Sidewalk Improvements within City Right-of-Way on the Inland Side of El Camino Real West of Avenida Pico, City of San Clemente, Orange County, CA* prepared by Glenn Lukos Associates dated October 21, 2009; *Wetland Avoidance for El Camino Real Sidewalk Preferred Alternative Option 1D – Full Avoidance* prepared by Glenn Lukos Associates dated December 21, 2009, *Status of Regulatory Permits for El Camino Real Sidewalk Preferred Alternative Option 1D – Full Avoidance Scenario* prepared by Glenn Lukos Associates dated December 21, 2009

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending **APPROVAL** of the proposed project with **seven (7) special conditions**, which require 1) compliance with construction-related best management practices (BMPs); 2) location of debris disposal site; 3) construction staging plan; 4) traffic control plan; 5) interpretive sign plan; 6) post construction wetland area survey; 7) future improvements return to the Commission. The primary issues associated with this development are wetland habitat protection and public access.

The project proposes upgrades to the public sidewalks, bike lanes, curb and gutter, turning lanes at the El Camino Real/Avenida Pico intersection, and a new traffic signal at the El Camino Real/Avenida Estacion intersection in the City of San Clemente. A portion of the proposed new sidewalk along the inland side of El Camino Real is located adjacent to and partially spans a wetland area. The applicant proposes to construct a new sidewalk/boardwalk to provide a linkage with existing sidewalk and future sidewalk improvements adjacent to Marblehead Coastal. The City reviewed three possible project alternatives and chose the alternative that avoids adverse impacts to the wetland habitat. In addition, the new sidewalk/boardwalk upgrade will increase coastal access, improve pedestrian safety and provide ADA compliant trail linkages both to and from the inland side of El Camino Real to the future adjacent Marblehead Coastal trail improvements (i.e., nature trail system, park network and over 100 acres of restored/preserved habitat) and the City's Dudleya Biological Reserve.

LIST OF EXHIBITS:

1. Location Map
2. Assessors Parcel Map
3. Coastal Access Points Map
4. Project Plans
5. Site Aerial Photograph
6. Wetland Boundary Map
7. Wetland Photographs

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-09-249 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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 TO APPROVE THE PERMIT:

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, Erosion Sediment Control 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. Selected BMPs shall be maintained in a functional condition throughout the duration of the project;
- D. Appropriate Best Management Practices (BMPs) designed to control erosion from the disturbed area and prevent silt and sediment from contaminating any downstream drainages and intact native habitat plant communities during construction activities, shall be installed prior to or concurrent with construction operations, and maintained throughout the development;
- E. Construction debris and sediment shall be removed from construction areas on a regular basis during construction to prevent the accumulation of sediment debris which may be discharged into coastal waters. Debris shall be disposed of at a debris disposal site outside the coastal zone, pursuant to **Special Condition 2.**
- F. Concrete trucks and tools used for construction of the approved development shall be rinsed off-site;
- G. Staging and storage of construction machinery, material stockpiling and storage of debris shall not take place on the toe of the bluff or within sensitive habitat areas.

2. Location of Debris Disposal Site

The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

3. 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 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, materials or activity shall not occur outside the staging area and construction corridor identified on the site plan required by this condition;
- (b) Construction equipment, materials, or activity shall not be placed outside of the immediate construction zone;
- (c) Adverse impacts to wetlands and other sensitive habitat shall be avoided;
- (d) Public parking areas shall not be used for staging or storage of equipment;
- (e) Beach areas shall not be used as staging areas;
- (f) 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.

4. Traffic Control Plan

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) full-sized sets of a traffic control plan that demonstrates the following:

(1) Every effort shall be made to minimize the duration of sidewalk, bike and road lane closures so that impacts upon public access are minimized; and

(2) The sidewalk, bike and road lanes should be opened, even intermittently, whenever possible during construction; and

(3) A detour plan to re-route pedestrian and bicycle traffic shall be identified for those periods when the sidewalk and/or bicycle lane is closed within the project area.

- B. 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 plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Interpretive Sign Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, an Interpretative Sign Plan for the wetland segment of the El Camino Real sidewalk improvements. The plan shall be prepared by a qualified professional.

1. The plan shall demonstrate the proposed location for the signage and shall not result in a direct impact upon the wetland area.
2. The plan shall include, at a minimum, the following components: sign material, dimensions, appearance, proposed educational information, etc.

- B. The permittee shall undertake development in accordance with the approved final 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.

5. Post-Construction Wetland Area Survey

The applicant shall submit a post-construction wetland survey for the review and approval of the Executive Director within sixty (60) days of project completion and within thirty (30) days after completion of the survey. The post project survey shall utilize the same methodology as the pre-construction survey conducted in the report, "*Jurisdictional Status of the Area for Proposed Sidewalk Improvements within City Right-of-Way on the Inland Side of El Camino Real West of Avenida Pico, City of San Clemente, Orange County, CA*" prepared by Glenn Lukos Associates dated October 21, 2009. If any of the wetland or saltgrass areas are impacted, the applicant shall mitigate any adverse impact by replacing the impacted wetland or saltgrass areas at a minimum 4:1 ratio (mitigation:impact) on-site if feasible and in-kind; if on-site mitigation is not feasible then the mitigation area shall be located as close to the impact area as is feasible. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

6. Future Improvements

This permit is only for the development described in Coastal Development Permit No. 5-09-249. Additional development, including but not limited grading and vegetation removal shall require an amendment to Permit No. 5-09-249 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government. In addition, pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemption otherwise provided in Public Resources Code Section 30610 (b) shall not apply to the development governed by Permit No. 5-09-249. Accordingly, any

future improvements to the development authorized by this permit, including but not limited to repair and maintenance activities identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-09-249 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

Project Location

The project site consists of two road segments, one segment along El Camino Real and a segment along Avenida Pico including the El Camino Real/Avenida Pico intersection in the City of San Clemente, Orange County. The El Camino Real segment begins at (STA 39+75) traveling south and east as El Camino Real bends toward Avenida Pico, continuing through the El Camino Real/Avenida Pico intersection and ending at Boca de la Playa (STA 55+19). The Avenida Pico segment begins at the coastal side of the El Camino Real intersection continuing north and inland to where it passes over the Segunda Deshecha flood control channel. On the inland side of El Camino Real (from north to south) is the edge of the Marblehead Coastal property, the City owned Dudleya Reserve, Segunda Deshecha flood control channel, a surf shop, a vacant corner parcel, Avenida Pico intersection and a car wash. On the coastal side of El Camino Real is a City parcel, Avenida Estacion, a private parking lot and restaurant, vacant city lot, restaurant, convenience store and Avenida Pico intersection (Exhibits 1 & 2).

The nearest public beach access is available at the North Beach access point, approximately 250 yards northwest of the subject site (Exhibit 3); this access point is a primary public beach access point for the City.

Project Description

The proposed project includes the following road improvements all within the City's right-of-way:

- Widening of El Camino Real to provide two through travel lanes in each direction
- Dual left-turn lanes from El Camino Real onto eastbound Avenida Pico
- Two travel lanes in each direction on the east leg of Avenida Pico;
- Dual left-turn lanes from Avenida Pico into southbound El Camino Real
- Continuous 8-foot sidewalk on both sides of Avenida Pico
- Continuous 7-foot sidewalk on the coastal side of El Camino Real
- Continuous 5-foot and 8-foot sidewalks on the inland side of El Camino Real north and south of Avenida Pico, respectively
- A new traffic signal at the intersection of El Camino Real and Estacion
- A new upgraded traffic signal at the intersection of El Camino Real/Avenida Pico

The proposed project includes the following bike lane and sidewalk improvements all within the City's right-of-way:

- Extend 7-foot bike lane on inland side of El Camino Real from present end tapering to 5-foot width at Avenida Estacion (480 feet)
- Extend 7-foot bike lane on coastal side of El Camino Real from present end tapering to 5-foot width at Avenida Estacion (280 feet)
- Upgrade buried asphalt sidewalk to concrete surface sidewalk with 4-5 foot width on the inland side of El Camino Real south to the drainage culvert (255 feet)
- Adjust 8-foot sidewalk to 6-7 foot width on inland side of El Camino Real between Avenida Pico and south to Boca del la Playa (180 feet, requires removal of 5 palm trees)
- Relocate sidewalk terminus and southwest corner radius at coastal side of El Camino Real/Avenida Estacion to widen coastal side of El Camino Real and accommodate extended bike lane (requires removal of two palm trees and an Indian Laurel Fig tree)
- Adjust 5-7 foot wide concrete sidewalk to widen coastal side of El Camino Real between Avenida Estacion and Avenida Pico moving sidewalk coastward within the right-of-way to provide a 7-foot wide new concrete sidewalk (540 feet, requires removal of 2-4 palm trees).

Project plans are included in Exhibit 4. The proposed road improvements are required by the City of San Clemente to accommodate the City's projected traffic circulation needs at build-out to maintain acceptable levels of service. In addition to the road improvements, the City proposes sidewalk and bike lane improvements to enhance public access to coastal resources in the vicinity of North Beach, a primary visitor coastal access point in the City.

A segment of the proposed sidewalk improvement area along the inland side of El Camino Real at the toe of the coastal bluff along the City owned Dudleya Biological Reserve and within the City's right-of-way has been identified by the applicant as a wetland (Exhibits 6 and 7) . As proposed, the sidewalk improvement adjacent to the wetland protects and avoids adverse impacts to the wetlands as further discussed in the biological resources section below.

B. BIOLOGICAL RESOURCES

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 depended on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30231 of the Coastal Act states:

The biological productivity and the 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 water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233(a) of the Coastal Act states:

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:

The applicant submitted a wetland delineation/jurisdictional status which identified a wetland seep and 0.03 acres of Army Corps of Engineers-defined “jurisdictional” wetland associated with the project site. The report identifies the “jurisdictional” wetland as an area with hydric soils from a natural groundwater seep and dominant vegetation consisting of saltgrass (*Distichlis spicata*), pickleweed (*Salicornia virginica*) and some goldenbush (*Isocoma menziesii*) and with areas of up to 40% cover of iceplant. The report further identifies an additional 0.013-acre of Army Corps-defined “non-jurisdictional” wetland area overlying a partially buried pre-existing asphalt sidewalk covered with 1”-6” of soil and gravel fill and gravel-filled sandbags. This 0.013-acre of saltgrass and sparse pickleweed (wetland indicator plant species) is identified as “non-jurisdictional” wetland due to a lack of wetland hydrology and hydric soils. The presence of Saltgrass (*Distichlis spicata*) as the dominant species growing in the shallow layer of accumulated soils (approximately 103 inches of soil and gravel from decomposing sandbags) that have become established on portions of a degraded asphalt sidewalk, however degraded, still meets the Commission’s definition of a wetland, which requires only that the water table be at or near the surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes such as saltgrass. See 14 Cal. Code Regs. § 13577(b)(1). Therefore, staff considers the entire 0.043 acre area a wetland. The existing degraded asphalt sidewalk is approximately 9-feet wide from the existing street curb and extends the entire length of the wetland area. The boundaries of the wetland areas are depicted on Exhibit 6.

The City evaluated three different sidewalk improvement alternatives over the proposed El Camino Real reach with the existing wetland area. The applicant asserts and the Commission agrees, that this proposed project alternative is the least environmentally damaging feasible alternative, based on the alternatives analysis for the proposed project prepared by RBF Consulting dated December 21, 2009. Based on the project objectives of having the proposed improvements joining the future El Camino Real and Avenida Pico road improvements once completed by the Marblehead Coastal project, staying within the existing overall limited right-of-way due to site constraints on the inland side of El Camino Real consisting of Coastal Commission-designated wetlands within the public-right-of-way, existing drainage channel headwall and underground carwash equipment adjacent to the right-of-way, the following three alternatives were explored:

Alternative 1 – Partial avoidance (182 sq. ft. of wetland impact)

This alternative would provide a 5-foot wide concrete sidewalk on the inland side of El Camino Real, 5-foot wide bike lane and two traffic lanes in each direction along the portion of El Camino Real adjacent to the wetland at the Avenida Estacion intersection. It would protect the wetland area on the existing toe of the coastal bluff slope but not the wetland area along the partially buried and degraded sidewalk. A 46 sq. ft. section and a 136 sq. ft. section, totaling 182 sq. ft. of wetland would be removed to accommodate the 5-foot wide sidewalk.

Alternative 2 – Partial Avoidance (46 sq. ft. of wetland impact)

This alternative would provide a 5-foot wide concrete sidewalk on the inland side of El Camino Real, 5-foot wide bike lane and two traffic lanes in each direction along the portion of El Camino Real adjacent to the wetland at the Avenida Estacion intersection. This alternative adjusts the sidewalk alignment and width down to 4-foot wide near Avenida Estacion to go around and avoid the isolated wetland island (136 sq. ft.). The wetland area where saltgrass grows across the existing degraded asphalt sidewalk would be paved over by the proposed concrete sidewalk resulting in a loss of 46 sq. ft.

Alternative 3 – Full Avoidance (no impact)

This alternative would provide a 5-foot wide and a 4-foot wide section of concrete sidewalk on the inland side of El Camino Real, 5-foot wide bike lane and two traffic lanes in each direction along the portion of El Camino Real adjacent to the wetland at the Avenida Estacion intersection. This alternative adjusts the sidewalk alignment and width down to 4-foot wide near Avenida Estacion to go around and avoid the isolated wetland island (136 sq. ft.) and fully avoids the small wetland area where saltgrass grows across the existing degraded asphalt sidewalk by installing a 5-foot wide boardwalk made of a fiberglass grid deck material with railings. The boardwalk would be raised 8" to allow sufficient light to penetrate thereby protecting and sustaining the saltgrass below while allowing pedestrian and ADA access on the sidewalk/nature trail to pass over and see the resource.

Additionally, the 'no project' alternative is not an acceptable option as no project in the vicinity of the wetland would perpetuate the existing condition whereby pedestrians trample the wetlands without a defined pedestrian walkway.

Though still spanning the wetland, Project Alternative 3 proposes to avoid fill of the wetlands by avoiding the small isolated wetland nearest the proposed traffic signal at Avenida Estacion by narrowing the existing inland curb adjacent sidewalk width from its buried condition of 8-feet wide to a 4-foot to 5-foot wide concrete paved surface, routing narrower sidewalk inland of the wetland and by constructing a 15' long section of the proposed 5' wide sidewalk as a 5' wide fiberglass grid decking boardwalk with railings over a second area where saltgrass grows across the existing degraded asphalt sidewalk as depicted on the project plans (Exhibit #4). The bottom side of the boardwalk will be at least 8" above the ground surface. Installation of the boardwalk will ensure that the hydrological conditions are not changed and that the saltgrass will receive the same hydrologic input in both the existing and post-construction conditions. A 42" post and cable fence is proposed to be installed between the existing wetlands and sidewalk to minimize potential intrusions into the wetland area. Furthermore, the applicant proposes to install two interpretive signs in vicinity of the sidewalk/nature trail providing information on the biological resources found along this sidewalk/nature trail. As such, **Special Condition 4** requires the applicant submit an interpretive sign plan providing the proposed sign locations, material, size/dimensions to ensure that placement of the signage does not have any direct adverse impact upon the wetland habitat.

The Commission typically requires that new development observe a 100-foot setback from wetlands. That setback is often called a buffer area. Buffer areas are undeveloped lands surrounding wetlands and sensitive habitat. Buffer areas serve to protect wetlands and sensitive habitat from the direct effects of nearby disturbance. In addition, buffer areas can provide necessary habitat for organisms that spend only a portion of their life in wetlands such as amphibians, reptiles, birds, and mammals. Buffer areas provide obstructions which help minimize the entry of domestic animals and humans to wetlands and sensitive habitat. Buffers also provide visual screening between wetland and other sensitive species that are sensitive to human impacts, such as lighting. Buffers can also reduce noise disturbances to wetland and sensitive species from human development and disturbance.

As proposed, the project does not comply with the Commission's typical wetland buffer requirements. Buffer areas need to be of sufficient size to ensure the biological integrity and preservation of the habitat they are designed to protect. The Commission typically requires 100-foot wetland buffer. However, smaller wetland buffers are sometimes allowed where it can be demonstrated that a 100-foot wide buffer is not possible due to site-specific constraints and a narrower buffer would amply protect the biological integrity of the wetland given the site-specific characteristics of the resource and of the type and intensity of disturbance. The Commission's staff biologist reviewed the wetland delineation for the project site and determined that wetland growing on a partially buried degraded asphalt sidewalk covered with 1"-6" of soil and gravel fill

and gravel-filled sandbags is a highly disturbed and degraded wetland. Under the current condition, people walk through the area and continually impact the wetlands. The applicant is not proposing a buffer area between the proposed sidewalk and wetland habitat as a buffer of any size is not possible since some segments of wetland overlay across the partially buried pre-existing asphalt sidewalk all the way to the vehicular travel lane on El Camino Real. In this case, the proposed project avoids the existing wetlands and would not directly result in the filling of wetland areas. The built project would provide a pedestrian route through the existing habitat isolated from the habitat areas, thus reducing impacts to the wetlands over time. Furthermore, the proposed sidewalk improvements may be considered to serve as a nature trail linkage that would provide opportunities for nature study along the wetland habitat at the toe of the bluff and the adjacent City Dudleya Biological Reserve on the bluff terrace.

While the applicant is proposing to avoid direct impacts to the wetlands, the close proximity of construction activity to the wetland warrants additional measures to ensure that wetland impacts are avoided. **Special Condition 3** requires the applicant provide a construction staging plan ensuring that adverse impacts to wetlands and other sensitive habitat shall be avoided. Furthermore, **Special Condition 6** requires the applicant submit a post-construction wetland survey to ensure that the project construction indeed avoided all impacts to the wetland areas. If any of the wetland or saltgrass areas are impacted inadvertently, the applicant shall mitigate any adverse impact by replacing the impacted wetland or saltgrass areas at a minimum 4:1 ratio (mitigation:impact) on-site if feasible and in-kind; if on-site mitigation is not feasible then the mitigation area shall be located as close to the impact area as is feasible. To ensure that any impacts associated with future development are reviewed for consistency with the Coastal Act, **Special Condition 7** requires that all future improvements at the site return to the Commission for review and approval.

Other Agency Review

As the project avoids wetland impacts and wetland fill, there is no need for U.S. Army Corps of Engineers (ACOE) review or permits pursuant to Section 404 of the Clean Water Act, California Department of Fish and Game (CDFG) permits pursuant to Section 1602 of the Fish and Game Code or a Regional Water Quality Control Board (RWQCB) permit pursuant to Section 401 of the Clean Water Act.

Therefore, as proposed and conditioned, the project would be the least environmentally damaging feasible alternative and will minimize possible adverse impacts to wetlands to such an extent that it will not have a significant impact on marine resources and biological productivity. Therefore, the Commission finds that the proposed development, as proposed and as conditioned, conforms to Sections 30231, 30233 and 30240 of the Coastal Act regarding the protection of biological resources and environmentally sensitive habitat areas.

C. PUBLIC ACCESS

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 30213 of the Coastal Act states, in pertinent part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Policy XII.3 of the certified San Clemente Land Use Plan (LUP) states:

Require the following coastal roadways be maintained and preserved as scenic corridors in accordance with the scenic highways element of the General Plan (GP Policy 5.1.1):

- *Avenida Pico*
- *El Camino Real/Pacific Coast Hwy*
- *Ola Vista*
- *El Camino Real*

The project site consists of two road segments, one segment along El Camino Real and a segment along Avenida Pico including the El Camino Real/Avenida Pico intersection. Both El Camino Real and Avenida Pico are designated as a scenic corridor in the City's certified LUP. Both streets serve as major access routes to the North Beach coastal access point. The proposed project is expected to take about 3-6 months for completion and may indirectly result in adverse traffic impacts along El Camino Real (aka Pacific Coast Hwy) and Avenida Pico during construction since work will take place along the roads in both directions, existing bike lanes and sidewalks. At least one vehicular travel lane in each direction will remain open and at least one sidewalk along each road will remain open during construction. Access to the North Beach coastal access point and parking lot is not anticipated to be impacted during construction activities. Access will continue to be available at the southern end of the project site where there is an existing sidewalk. Nevertheless, the temporary closure of vehicular travel lanes, bike lanes and pedestrian walkways need to be limited as much as possible during construction in order to continually provide public access, while also allowing development of the proposed project. The applicant has not supplied information on how this will be accomplished. Therefore, the Commission is imposing **Special Condition 4** requiring the applicant to submit a traffic control plan. This plan shall show how sidewalk, bike and road access will be maintained during construction of the proposed project. The applicant will be required to make every effort to minimize the duration of sidewalk, bike and road lane closures so that public access remains available. These lanes should be opened, even intermittently, whenever possible during construction. In addition, the plan needs to identify detours available during periods of closure. Furthermore, **Special Condition 3** requires the applicant provide a construction staging plan ensuring that beach areas and public parking areas not be used for staging or storage of equipment and that staging areas not obstruct vertical or lateral access to the beach.

The final built improvements will provide for improved pedestrian, bike and vehicular access to coastal resources and enhance public recreational opportunities. Therefore, as proposed and conditioned, the Commission finds adequate access is available nearby, and the proposed development is consistent with Sections 30210 and 30213 of the Coastal Act.

D. WATER QUALITY

Section 30230 of the Coastal Act states, in pertinent part:

Marine resources shall be maintained, enhanced, and where feasible, restored...

Section 30231 of the Coastal Act states:

The biological productivity and the 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 water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The protection of water quality is an important aspect of the Coastal Act. Due to the proposed project's location near the water, construction activities may have adverse impacts upon water quality and the marine environment. Storage or placement of construction materials, debris, or waste in a location subject to wave erosion and dispersion 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. In addition, the use of heavy machinery along roads near coastal waters may result in the release of lubricants or oils that are toxic to marine life.

In order to minimize adverse construction-related impacts upon marine resources, staff imposes the following Special Conditions:

- **Special Condition 1** providing for the safe storage of construction materials, the safe disposal of construction debris and best management practices (BMP). The applicant will be required to implement BMPs designed to avoid temporary construction impacts by minimizing erosion and preventing debris from entering coastal waters. This condition requires the applicant to remove any and all debris resulting from construction activities within 24 hours of completion of the project.
- **Special Condition 2** requires the applicant dispose of construction debris outside the coastal zone.

As proposed and conditioned, the proposed development will minimize possible adverse impacts on coastal waters to such an extent that it will not have a significant impact on marine resources, biological productivity or coastal water quality. 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 protect marine resources, promote the biological productivity of coastal waters and to protect human health.

E. LOCAL COASTAL PROGRAM

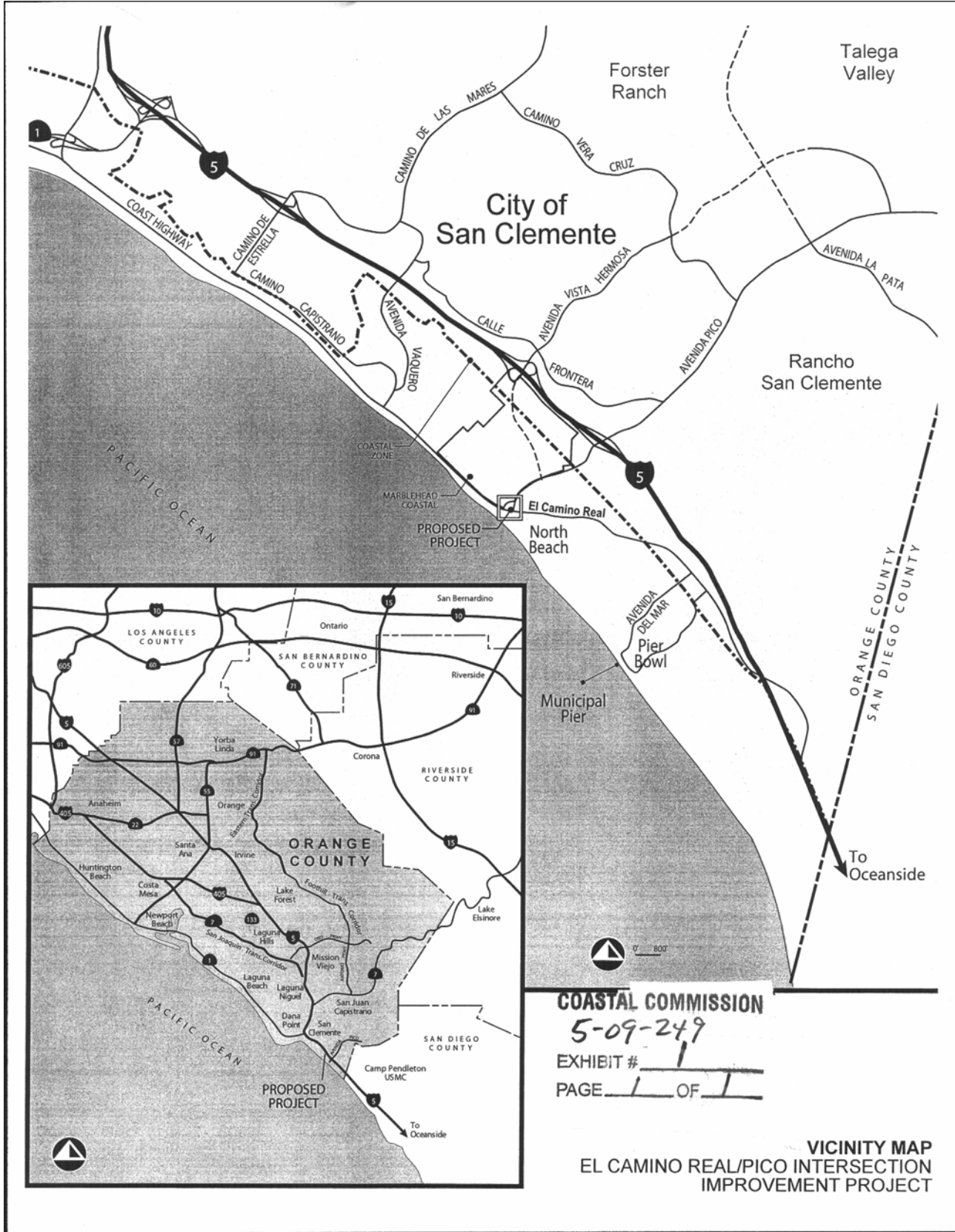
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms to Chapter 3 policies of the Coastal Act. The Commission 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.

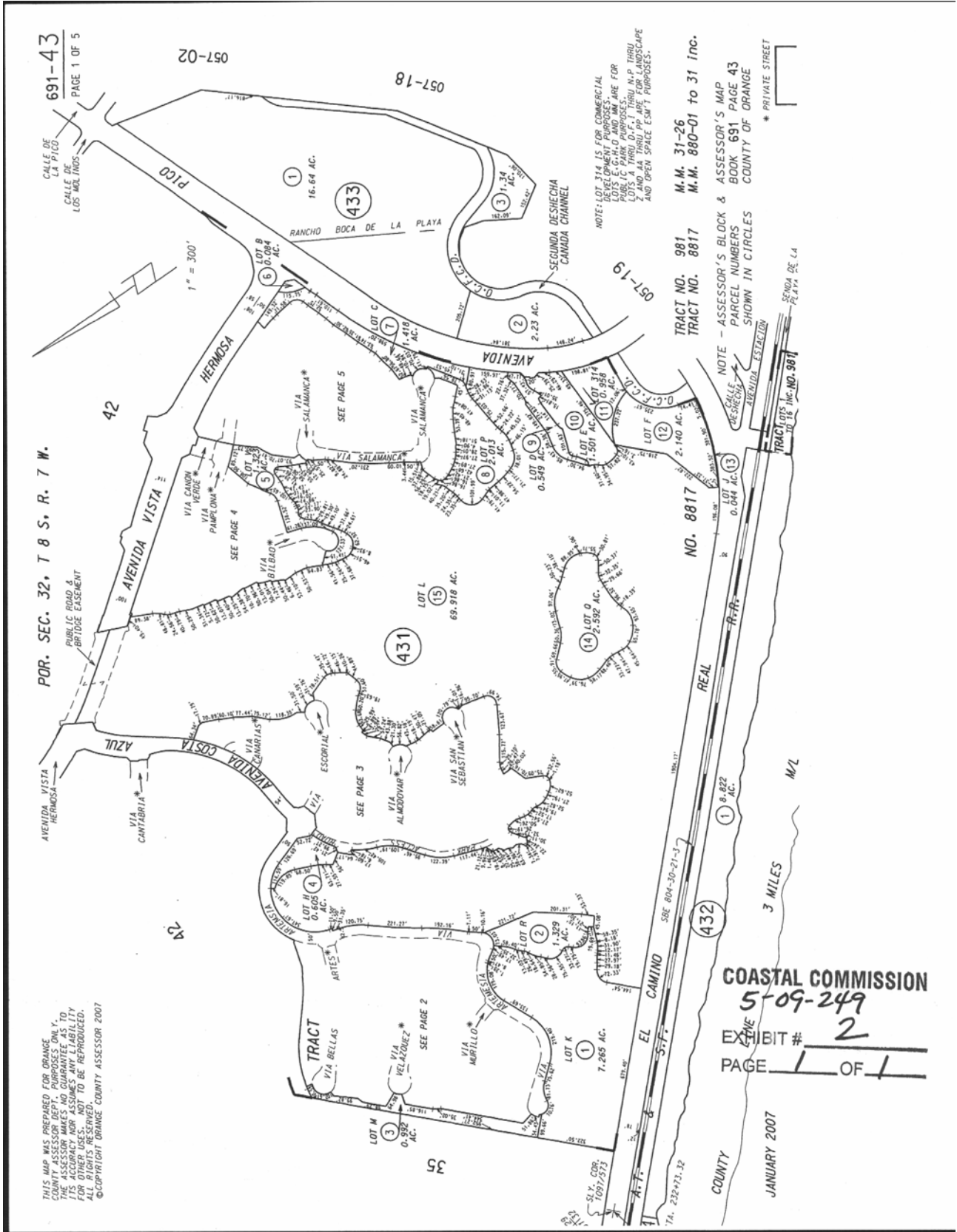
The proposed development, as conditioned, is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

F. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, 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 that the activity may have on the environment.

The City of San Clemente is the lead agency for purposes of CEQA compliance. As determined by the City, the project is categorically exempt from CEQA as a Class 1, Existing Facilities, Section 15301 exemption. Pursuant to Coastal Act requirements, the Commission adopts additional mitigation measures including: special conditions related to compliance with construction-related best management practices (BMPs), location of debris disposal site, construction staging, traffic control plans, interpretive sign plan, post construction wetland survey and future improvements. As conditioned, the proposed project is consistent with the public access, water quality and biological resource protection policies of the Coastal Act and 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 is consistent with the requirements of the Coastal Act and CEQA.



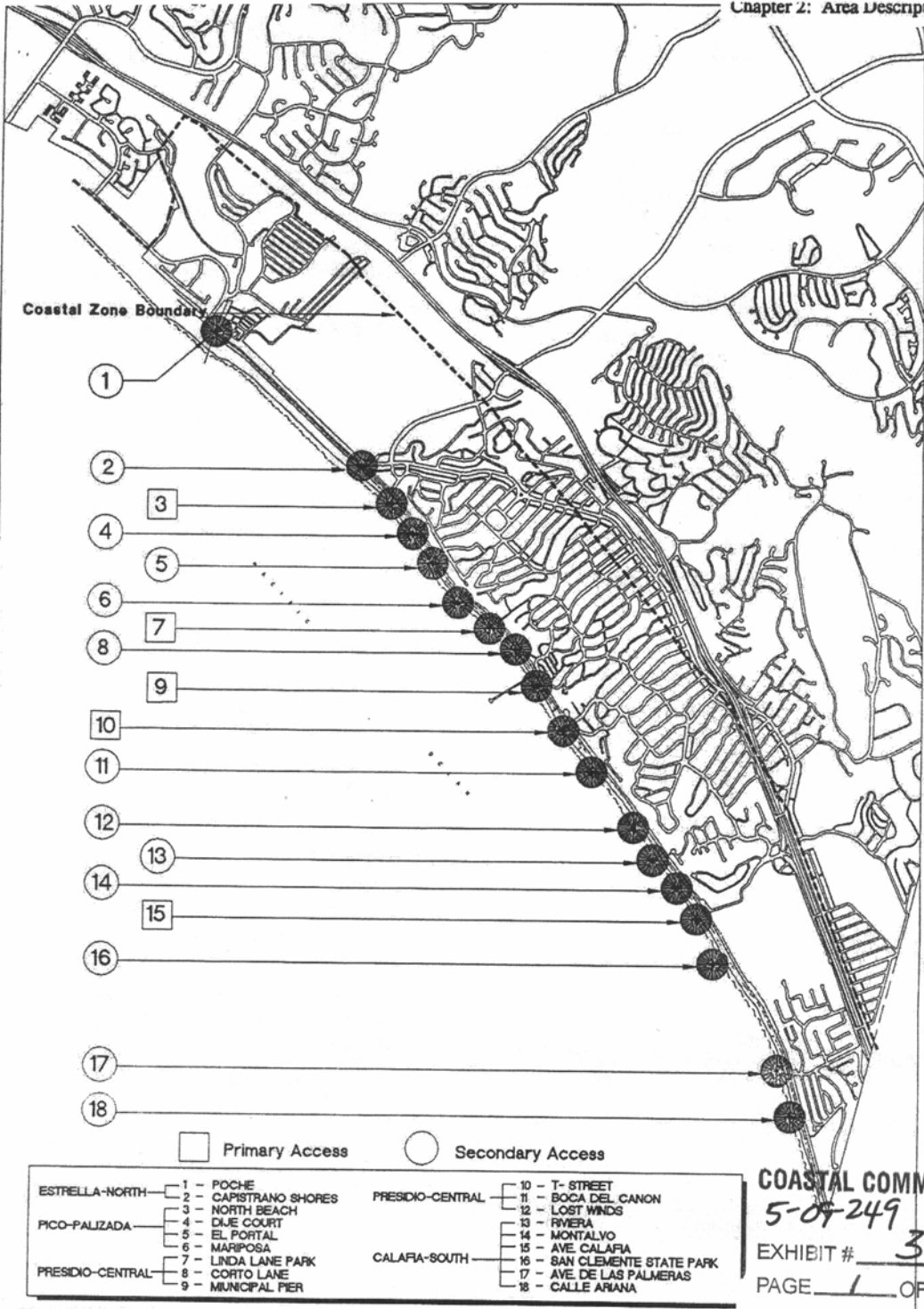


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NOTE: LOT 314 IS FOR COMMERCIAL DEVELOPMENT PURPOSES. LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 AND 16 ARE FOR RESIDENTIAL PURPOSES. LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 AND 32 ARE FOR LANDSCAPE AND OPEN SPACE ESM'T PURPOSES.

TRACT NO. 9817
 TRACT NO. 8817
 M.M. 31-26
 M.M. 880-01 to 31 inc.
 NOTE - ASSESSOR'S BLOCK & ASSESSOR'S MAP PARCEL NUMBERS SHOWN IN CIRCLES
 COUNTY OF ORANGE
 * PRIVATE STREET

COASTAL COMMISSION
 5-09-249
 EXHIBIT # 2
 PAGE 1 OF 1
 COUNTY
 JANUARY 2007

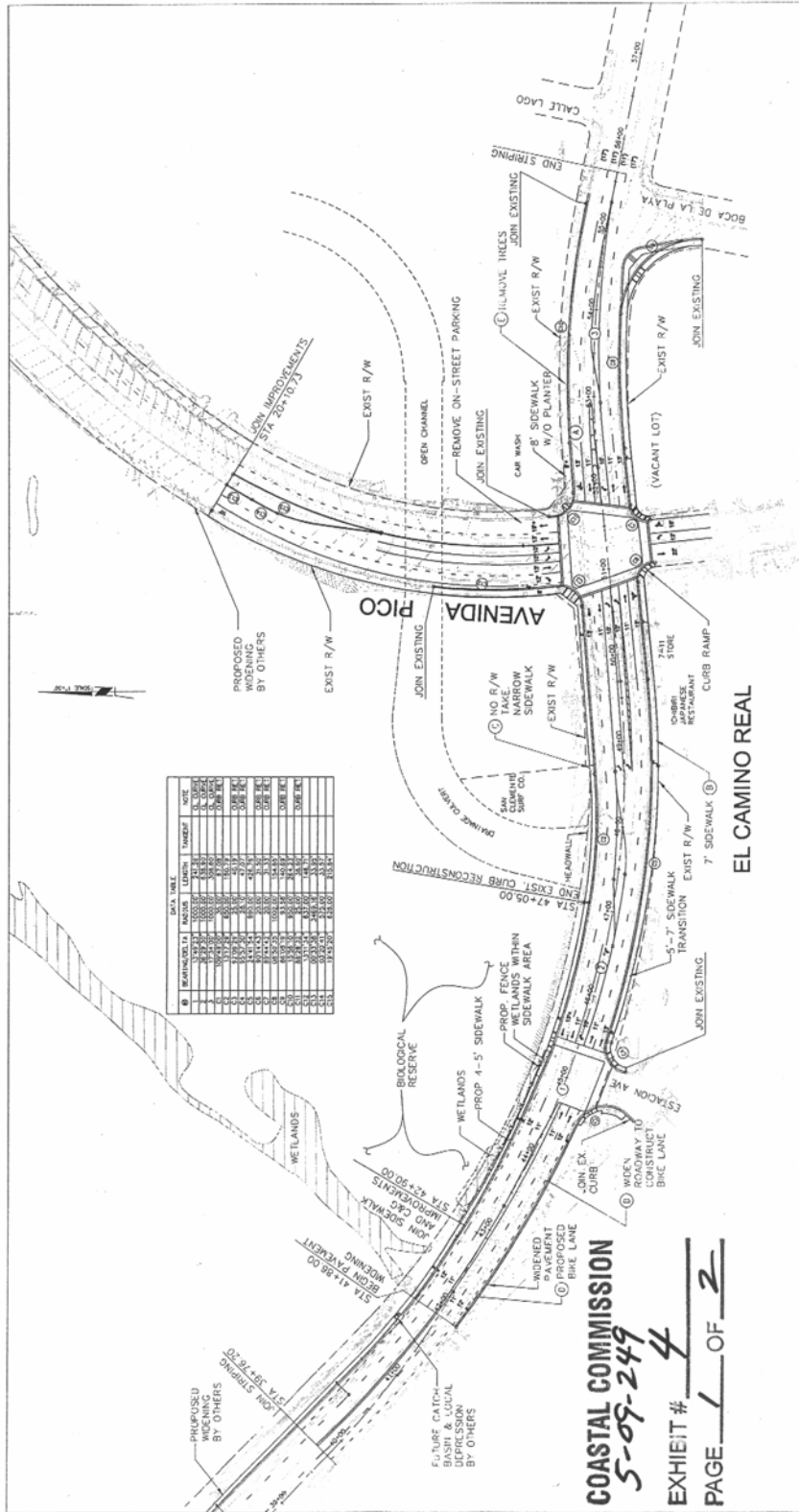


COASTAL COMMISSION
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FIGURE 2-5



**CITY OF SAN CLEMENTE
 COASTAL ACCESS POINTS**



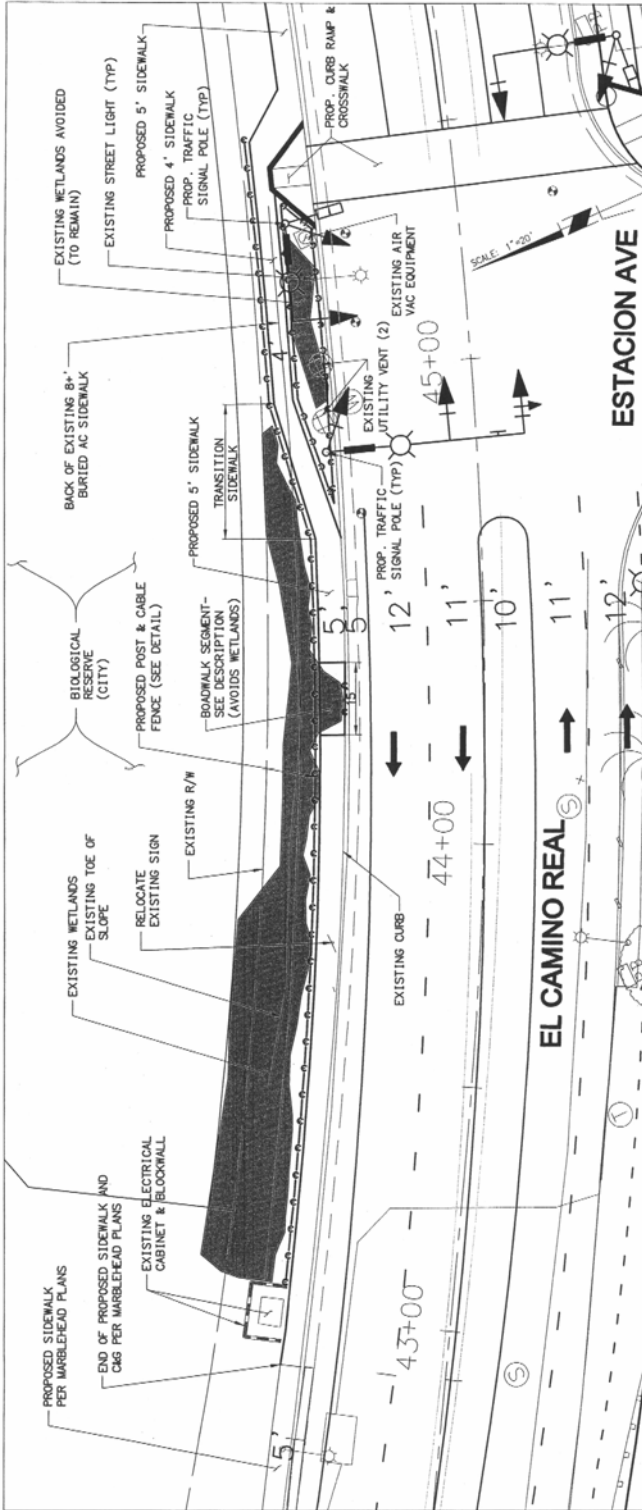
STATION	DATE	BY	REVISION
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42+00.00	05/11/09	MM	INITIAL DESIGN
42+14.00	05/11/09	MM	INITIAL DESIGN
42+28.00	05/11/09	MM	INITIAL DESIGN
42+42.00	05/11/09	MM	INITIAL DESIGN
42+56.00	05/11/09	MM	INITIAL DESIGN
43+00.00	05/11/09	MM	INITIAL DESIGN
43+14.00	05/11/09	MM	INITIAL DESIGN
43+28.00	05/11/09	MM	INITIAL DESIGN
43+42.00	05/11/09	MM	INITIAL DESIGN
43+56.00	05/11/09	MM	INITIAL DESIGN
44+00.00	05/11/09	MM	INITIAL DESIGN
44+14.00	05/11/09	MM	INITIAL DESIGN
44+28.00	05/11/09	MM	INITIAL DESIGN
44+42.00	05/11/09	MM	INITIAL DESIGN
44+56.00	05/11/09	MM	INITIAL DESIGN
45+00.00	05/11/09	MM	INITIAL DESIGN
45+14.00	05/11/09	MM	INITIAL DESIGN
45+28.00	05/11/09	MM	INITIAL DESIGN
45+42.00	05/11/09	MM	INITIAL DESIGN
45+56.00	05/11/09	MM	INITIAL DESIGN
46+00.00	05/11/09	MM	INITIAL DESIGN
46+14.00	05/11/09	MM	INITIAL DESIGN
46+28.00	05/11/09	MM	INITIAL DESIGN
46+42.00	05/11/09	MM	INITIAL DESIGN
46+56.00	05/11/09	MM	INITIAL DESIGN
47+00.00	05/11/09	MM	INITIAL DESIGN

COASTAL COMMISSION
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- WIDENING OPTION 1D (REVISED 9/2009)
- A SHARED WESTBOUND RIGHT/THROUGH TURN LANE
 - B 7' SIDEWALK ON SOUTH SIDE OF EL CAMINO REAL
 - C NO RIGHT OF WAY TAKE AT SAN CLEMENTE SURF COMPANY
 - D BIKE LANE EXTENDED EAST TO INTERSECTION ESTACION AVE/EL CAMINO PICO
 - E REMOVE STREET TREES ALONG CAR WASH

- ASSUMPTIONS:
- 1. 35 MPH DESIGN SPEED (R.M.P. = 420 ft)
 - 2. WETLANDS ARE TO BE PROTECTED
 - 3. ULTIMATE WIDENING ON ECR & AVE PICO WILL BE CONSTRUCTED CONCURRENTLY

CITY OF SAN CLEMENTE
 PREPARED BY
RBF
 CONSULTING
 DRAFT
 SCALE 1"=50'



FEATURES

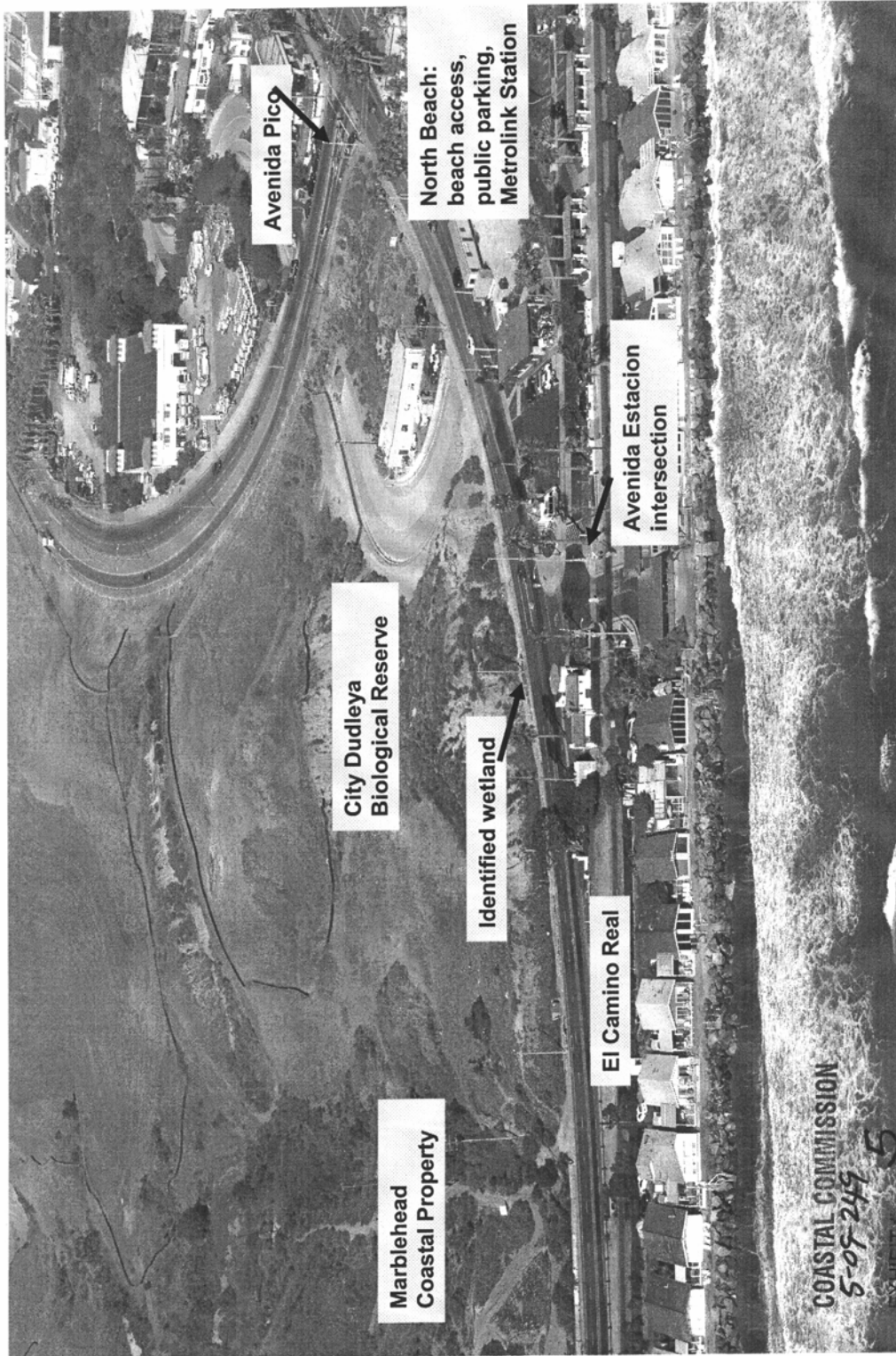
- 5' WIDE BOARDWALK SEGMENT WITH FIBERGLASS GRID DECK AND RAILINGS TO AVOID SMALL WETLAND TOUCHING CURB.
- 4' WIDE SIDEWALK SEGMENT REROUTED TO AVOID WETLAND AT ESTACION AVE.
- ADA CURB RAMP PER SPPWC STD PLAN 111-3, CASE A, TYPE I.
- TRAFFIC SIGNAL & CROSSWALK AT ESTACION AVE.
- POST & CABLE FENCE ALONG EDGE OF WETLAND AND WETLAND ISLAND TO PROTECT AND PRESERVE.

CITY OF SAN CLEMENTE - EL CAMINO REAL
Sidewalk Improvement at Wetland Area
 Alternative 3 - Full Avoidance (Project Description)
 Page 11 - 11

RBF CONSULTING
 PLANNING • DESIGN • CONSTRUCTION
 10000 VICTORIA LANE, SUITE 100, SAN CLEMENTE, CA 92673
 TEL: 949.321.1111 FAX: 949.321.1112
 WWW.RBFCONSULTING.COM
 SCALE 1"=20'

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Aerial Photograph of Proposed Project Location





Legend

- Study Area Boundary
- Existing Asphalt Sidewalk (Partially Buried)
- Corps and CCC Wetland (0.03 acre)
- Partially Buried Sidewalk Vegetated With Plants with wetland indicator status of FAC or Weller (0.013 ac)

SIDEWALK IMPROVEMENT PROJECT
Jurisdictional Delineation Map
GLENN LUKOS ASSOCIATES
Exhibit 3

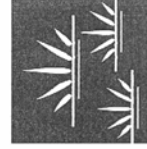
0 30 60
Feet

X:\0363-THE REST\0859-02SIDE\REV2\GIS\Delination\GIS\REV2\859-2\Delination\REV2.mxd
October 9, 2009



Photograph 1: Saltgrass growing in thin soil and gravel that has accumulated on existing asphalt sidewalk.

COASTAL COMMISSION
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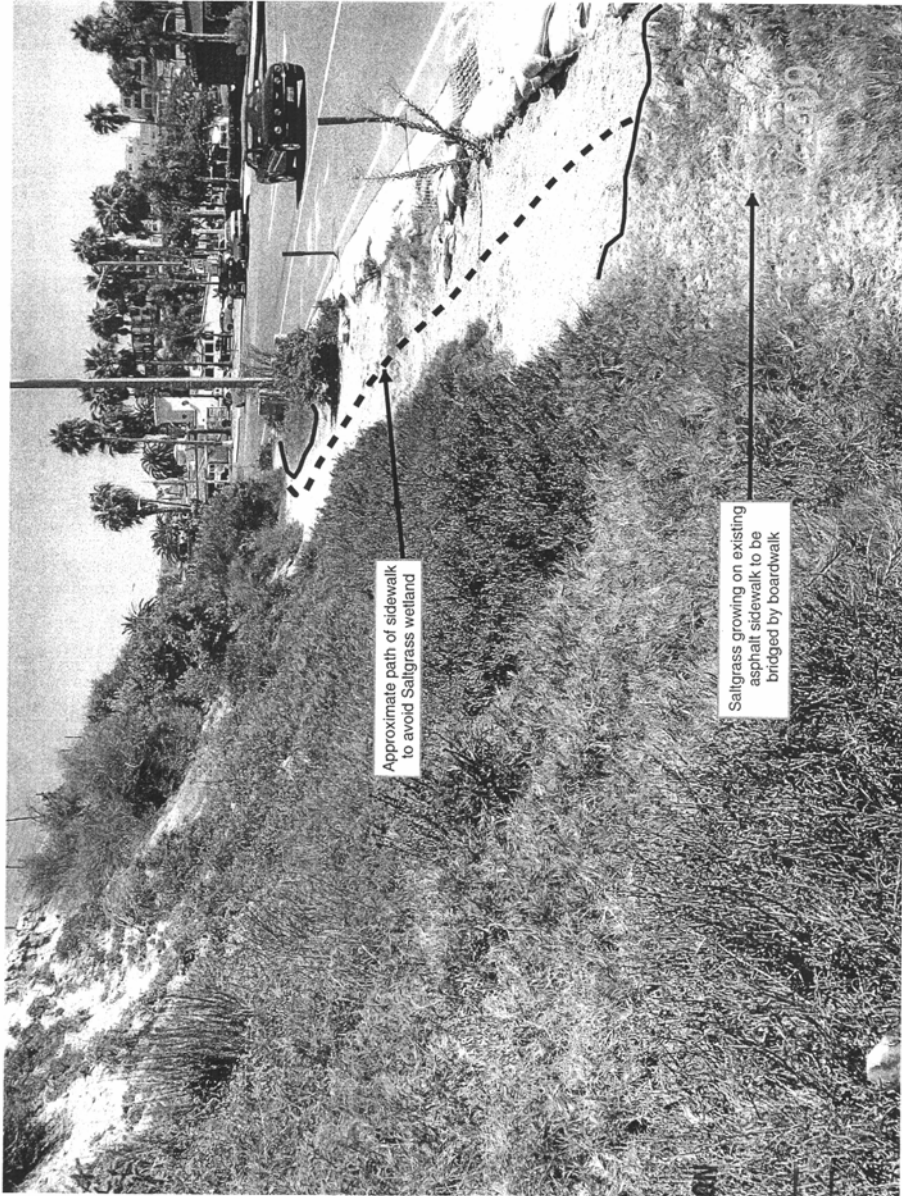


GLENN LUKOS ASSOCIATES

Exhibit 1 Photograph 1

SIDEWALK IMPROVEMENT PROJECT

Site Photographs

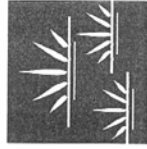


Approximate path of sidewalk to avoid Saltgrass wetland

Saltgrass growing on existing asphalt sidewalk to be bridged by boardwalk

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Photograph 2: Areas of Saltgrass within to be avoided by avoidance alternative.



GLENN LUKOS ASSOCIATES

Exhibit 1 Photograph 2

SIDEWALK IMPROVEMENT PROJECT

Site Photographs