

CALIFORNIA COASTAL COMMISSION

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**RECORD PACKET COPY**

Filed: October 2, 2000
49th Day: November 20, 2000
180th Day: March 31, 2001
Staff: ALK-LB *ALK*
Staff Report: January 25, 2001
Hearing Date: February 13-16, 2001
Commission Action:

Item Tu 4a**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NUMBER: 5-00-394

APPLICANT: City of San Clemente Engineering Division

AGENT: Ben Parker, Associate Engineer

PROJECT LOCATION: Within Lobos Marinos Canyon, adjacent to 1714 S. Ola Vista, San Clemente (Orange County)

PROJECT DESCRIPTION: Repair eroded canyon area at outlet point of existing 48" diameter storm drain pipe using stone rip-rap over geofabric and gravel bedding. Any existing vegetation disturbed by repair activities will be replanted with native, drought-tolerant species.

APPROVALS RECEIVED: Approval in Concept by City of San Clemente Planning Department

SUBSTANTIVE FILE DOCUMENTS: City of San Clemente Certified Land Use Plan

SUMMARY OF STAFF RECOMMENDATION:

The City of San Clemente is proposing to place stone rip-rap and gravel bedding beneath the outlet point of an existing 48" diameter storm drain pipe located within Lobos Marinos Canyon, approximately 0.75 miles inland of the shoreline. The project will repair areas of the canyon that have been eroded by storm water flow. All canyons within the City of San Clemente are considered environmentally sensitive habitat areas (ESHA). The major issues addressed by the project are water quality, geologic hazard and protection of ESHA.

Staff recommends the Commission **APPROVE** the proposed development with three (3) special conditions which require 1) use of construction best management practices (BMPs), 2) the debris disposal site to be located outside the coastal zone and 3) revegetation of the canyon slopes in the event that existing vegetation is disturbed.

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve Coastal Development Permit #5-00-394 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 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 a storm drain or be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. BMPs and GHPs which shall be implemented include, but are not limited to: stormdrain inlet protection with sandbags or berms, all stockpiles must be covered, and a pre-construction meeting should be held to review procedural and BMP/GHP guidelines. Selected BMPs shall be maintained in a functional condition throughout the duration of the project.
- (d) Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone, pursuant to Special Condition No. 2.

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. Revegetation of Slope

In the event that existing vegetation is disturbed during construction of the project authorized by CDP 5-00-394, the applicant shall replant the canyon slopes with native, drought-tolerant species.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Location and Description

The project site is located within a municipal storm drain easement located between the first public road and the sea, just south of S. Ola Vista between W. Avenida de los Lobos Marinas and W. Avenida San Antonio in the City of San Clemente (Exhibits 1 & 2). The site is located within Lobos Marinos Canyon, identified as an environmentally sensitive habitat area (ESHA) in the City's certified Land Use Plan (LUP).

The proposed project involves the placement of approximately 140 cubic yards of fill material (rip-rap, geofabric and gravel) at the discharge point of an existing storm drain outlet (Exhibit 3). Discharge from an existing 48" drainpipe that runs beneath the S. Ola Vista roadway and drains into the canyon has eroded the banks of the canyon at the outlet area. According to the applicant, the project is necessary to reduce erosion and maintain lateral support of the soils underlying the adjacent slope. The City's repair project will resolve the current erosion problem, as well as revegetate the adjacent slope with native, drought-tolerant plant species in the event that any is disturbed during construction.

B. 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.

Section 30232 of the Coastal Act states, in pertinent part:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials.

The City of San Clemente proposes to repair an eroded canyon area at the outlet point of an existing 48" storm water drainpipe. The pipe currently travels beneath the S. Ola Vista roadway and discharges into Lobos Marinos Canyon, a designated ESHA that eventually drains to the Pacific Ocean. No work is proposed on the existing pipe, only at the mouth of the storm drain outlet. Although the proposed repair project will not increase the size or

capacity of the existing drainpipe, construction impacts have the potential to negatively affect water quality.

Storage or placement of construction materials, debris, or waste in a location which may be discharged into coastal waters 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, sediment discharged to coastal waters may cause turbidity which can shade and reduce the productivity of eelgrass beds and foraging avian and marine species ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, Special Condition No. 1 outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. Special Condition No. 2 requires the debris disposal site to be located outside the coastal zone. These conditions ensure that construction activities will not have a negative impact on coastal resources.

Only as conditioned for appropriate construction practices and proper maintenance does the Commission find that the proposed development is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

C. Geologic Hazard

Section 30235 of the Coastal Act states, in relevant part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply...

As described previously, storm water discharge from an existing 48" diameter pipe has caused scour of the canyon bottom and eroded the banks of Lobos Marinos Canyon south of the S. Ola Vista roadway. The City of San Clemente Engineering Division has designed the proposed project to reduce erosion at the discharge point and to maintain support of the soils underlying the adjacent slope. As shown in Exhibit 3, the proposed project involves the placement of rip-rap over geofabric and gravel bedding at the drainpipe outlet to stabilize the banks of the canyon wall. A single-family residence located at 1714 S. Ola Vista (directly southeast) would be negatively affected by a potential failure of the canyon slope walls.

Section 30235 of the Coastal Act allows the construction of protective devices when they are necessary to protect an existing structure. Although the adjacent home is not in imminent danger, continued erosion will decrease the stability of the canyon banks, thereby putting the home at risk in the future. Continued erosion may also adversely impact the functionality of the City's existing storm drain system and contribute to localized slope failures. Allowing further damage of the subject site may create more significant environmental effects later. The proposed project will assure stability and structural integrity of the City's existing storm drain facility and protect further erosion of the site. Consequently, the Commission finds that the proposed development is consistent with Section 30253 of the Coastal Act.

D. Environmentally Sensitive Habitat Area (ESHA)

Section 30240(a) of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

San Clemente's certified Land Use Plan (LUP) discusses the importance of coastal canyons and states:

In most cases, coastal canyons are designated for natural open space, which limits potential development and helps to ensure preservation.

Policy VII.12 of the certified LUP states:

Encourage activities which improve the natural biological value, integrity and corridor function of the coastal canyons through vegetation restoration, control of alien plants and animals, and landscape buffering.

Policy XV.13 of the certified LUP states:

The removal of native vegetation and the introduction of non-native vegetation in the canyons shall be minimized. The use of native plant species in and adjacent to the canyons shall be encouraged.

The proposed development is located within Lobos Marinos Canyon, one of seven coastal canyons designated as Environmentally Sensitive Habitat Area (ESHA) in San Clemente's certified Land Use Plan (LUP). The certified LUP advocates the preservation of native vegetation and discourages the introduction of non-native vegetation in coastal canyons. The coastal canyons act as open space and potential wildlife habitat as well as corridors for native fauna. Decreases in the amount of native vegetation due to displacement by non-native vegetation would result in an adverse impact upon habitat value of the canyons.

The canyon currently contains both native and non-native plant species. The applicant has indicated that the site of the proposed repair work has been denuded due to excessive storm water flow. As stated previously, the proposed repair involves the placement of stone rip-rap over gravel bedding along the scoured canyon bottom and banks. The placement of this material will not adversely affect sensitive canyon habitat.

However, the banks of the canyon leading down to the outlet point are currently vegetated. Construction equipment and workers will be traversing these banks to reach the project site. To ensure that any vegetation disturbed during construction is replaced with appropriate plant species, the Commission imposes Special Condition 3. Special Condition No. 3 requires to applicant to replant the canyon slopes with native, drought tolerant species. The special condition is designed to restore the canyon as an ESHA as well as to prevent further erosion of the slopes. Therefore, as conditioned, the Commission finds that the proposed development is consistent with Section 30240(a) of the Coastal Act and the policies of the certified LUP.

E. Public Access and Recreation

Section 30212 of the Coastal Act states, in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(2) adequate access exists nearby...

Section 30604 (c) of the Coastal Act requires that permit application between the nearest public road and the shoreline of any body of water within the coastal zone shall include a public access and recreation finding. The proposed development is located between the first public road and the sea within a canyon running perpendicularly to the shoreline. The site of the proposed canyon repair is located approximately 0.75 miles inland of the shoreline. Public coastal access exists in the project vicinity at the Lost Winds access point.

The proposed project involves the repair of an eroded storm drain outlet point within a coastal canyon. The development will not create adverse impacts, either individually or cumulatively on public access and recreation and will not block public access from the first public road to the shore. Therefore, the Commission finds that the proposed development is consistent with the public access and recreation policies of the Coastal Act.

F. Local Coastal Program

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

G. Consistency with the California Environmental Quality Act (CEQA)

Section 13096 of the Commission's regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, 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 which the activity may have on the environment.

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Consent Calendar
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As explained in the findings set forth above in this staff report, all feasible mitigation measures have been adopted to avoid or reduce any significant adverse effects the project may have on the environment. In addition, the Commission finds that there are no other feasible alternatives available that would avoid or substantially reduce any significant adverse effects the project may have on the environment. Therefore, the proposed project, as conditioned, is consistent with the applicable requirements of CEQA.

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South Coast Region
OCT 2 2000
CALIFORNIA
COASTAL COMMISSION

MARINE CORPS BASE
CAMP JOSEPH H PENDLETON

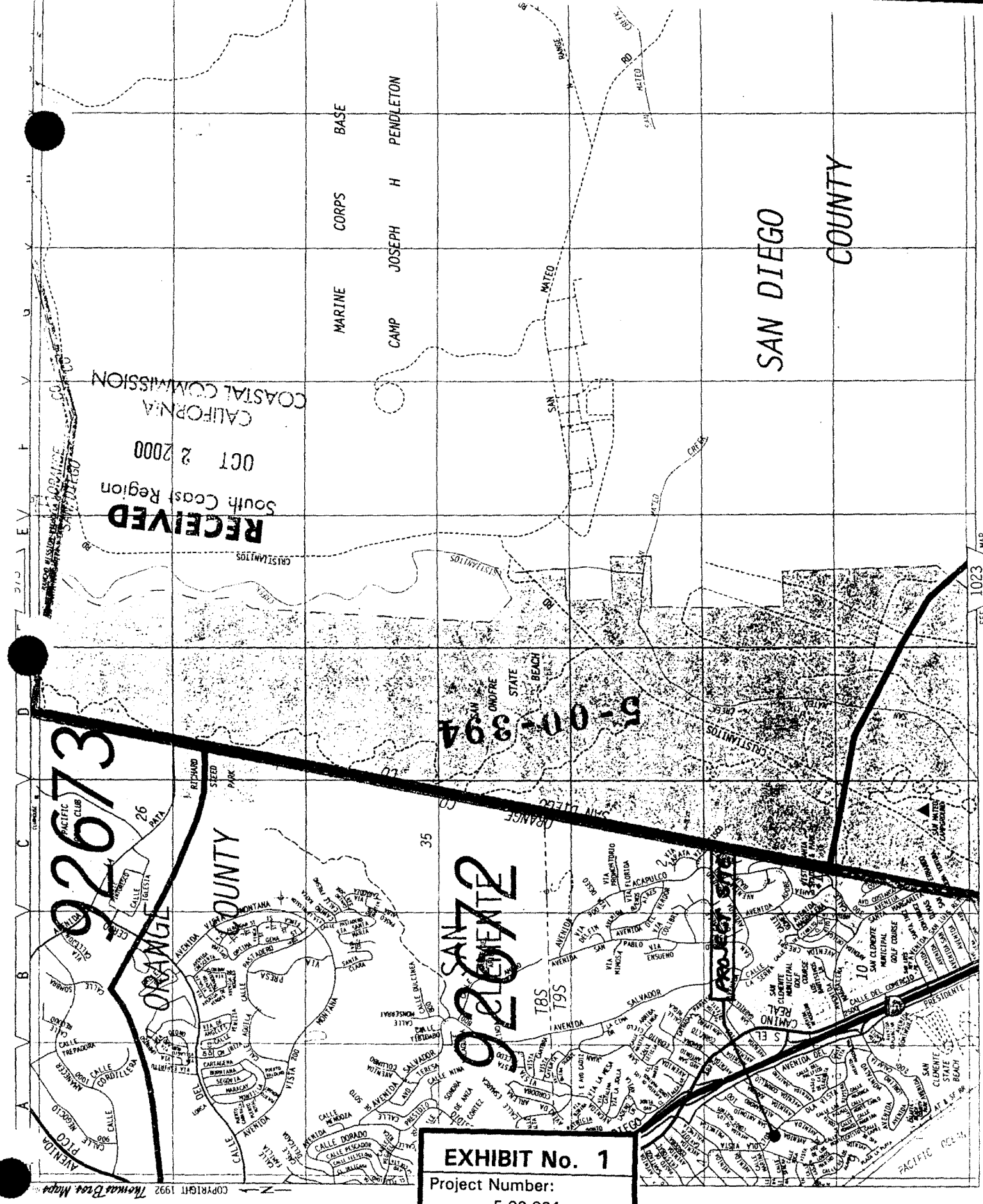
SAN DIEGO COUNTY

5-00-394

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EXHIBIT No. 1
Project Number:
5-00-394
Vicinity Map
California Coastal
Commission



SEE MAP 1023

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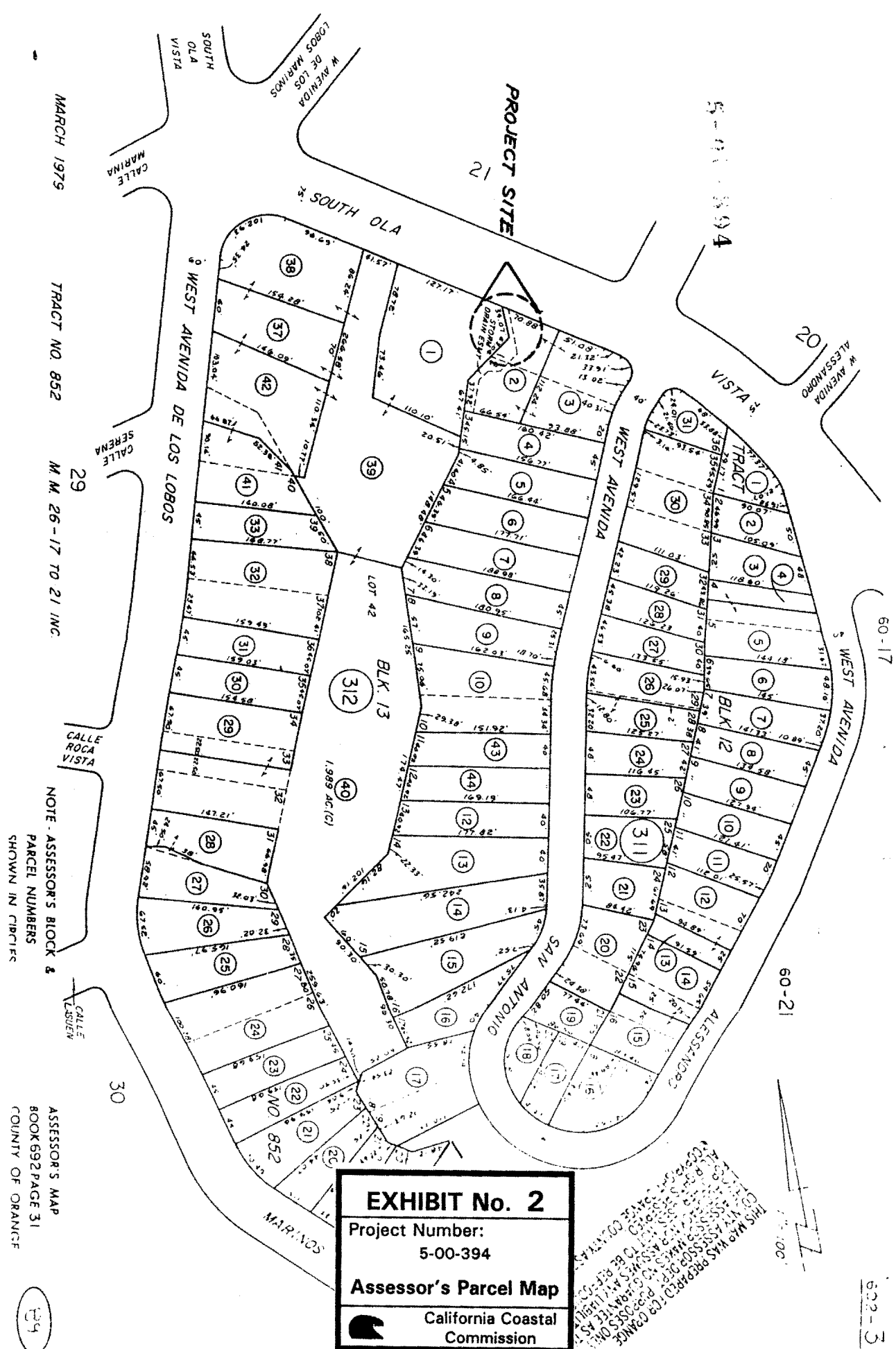


EXHIBIT No. 2

Project Number:
5-00-394

Assessor's Parcel Map



California Coastal
Commission

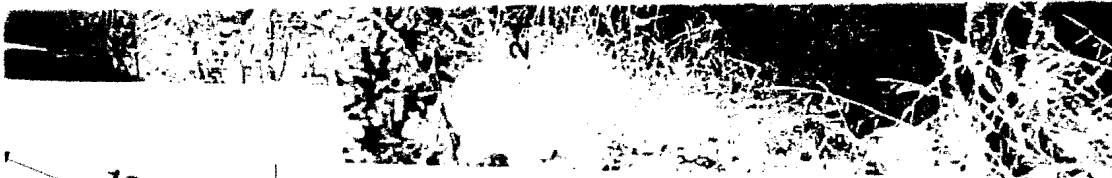
NOTE: ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN FIGURES

ASSESSOR'S MAP
BOOK 692 PAGE 31
COUNTY OF ORANGE

29

60-17

THIS MAP WAS PREPARED FOR ORANGE
COUNTY, CALIFORNIA, BY THE
ASSASSINATED OFFICE OF THE
COUNTY OF ORANGE, CALIFORNIA,
AND IS NOT TO BE USED FOR ANY
OTHER PURPOSES.



STONE RIPRAP
PER P.F. + R.D. STD. PLAN 1808



SCOUR HOLE

GEOFABRIC PER P.F. + R.D. ST.
PLAN 1808

E RIPRAP
DWLINE
D. PLAN 1809

6" THK. GRAVEL BEDDING (MIN.)

NOT TO SCALE

DATE:
3/2000
9/2000



1714 S. OLA VISTA STORM DRAIN
PROJECT NO. 10809

1 of 2

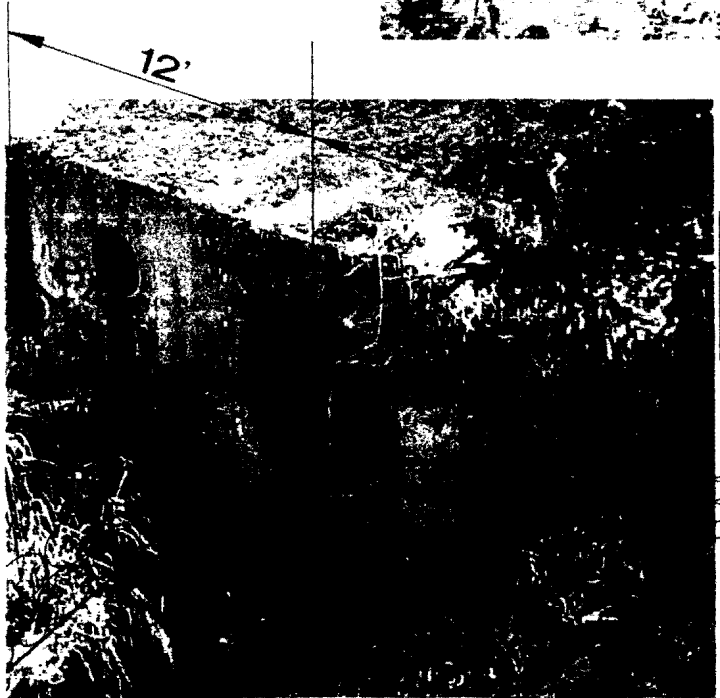
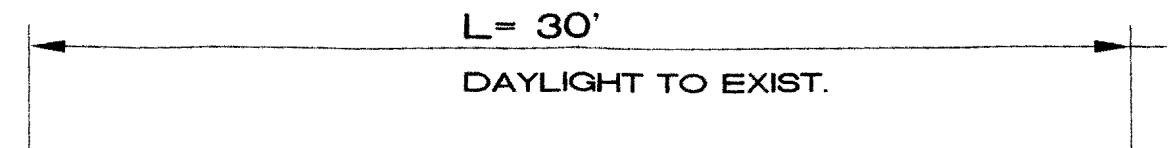
EXHIBIT No. 3

Project Number:
5-00-394

Project Plans



California Coastal
Commission



STONE RIPRAP
PER P.F + R.D. STD. PLAN



Ex. 3
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