

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
10000 Oceanside, Suite 1000
Oceanside, CA 92054-4302
(619) 590-5071

**RECORD PACKET COPY**

Filed: October 17, 2000
49th Day: December 5, 2000
180th Day: April 15, 2001
Staff: ALK-LB *ALK*
Staff Report: January 25, 2001
Hearing Date: February 13-16, 2001
Commission Action:

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

APPLICATION NUMBER: 5-00-419

APPLICANT: City of San Clemente Engineering Division

AGENT: Charles D. Stuck, Principal Engineer

PROJECT LOCATION: Seaward of Linda Lane Park, San Clemente, County of Orange

PROJECT DESCRIPTION: Construction of a nuisance flow diversion system within the Linda Lane storm drain channel located adjacent to the pedestrian railroad undercrossing. The project involves capturing of runoff at the exit of a 48" diameter pipe and routing it underneath the existing channel to an existing sewer main that crosses beneath the channel in front of the undercrossing entrance. The project will also require construction of a new sewer manhole. Nuisance flow will be conveyed to the City's wastewater treatment plant for treatment during the "dry weather" season.

APPROVALS RECEIVED: City of San Clemente City Council approval of Negative Declaration for the Linda Lane Urban Runoff Diversion Project No. 10604, July 5, 2000.

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

SUMMARY OF STAFF RECOMMENDATION:

The City of San Clemente is proposing to construct storm drain improvements to eliminate the nuisance flow (urban runoff) that empties from the storm drain channel running north of Linda Lane Park into the railroad under-crossing and onto the beach. The project will result in the interception and diversion of nuisance flow to a new sewer manhole. The major issues addressed by the project involve water quality and public access.

Staff recommends the Commission **APPROVE** the proposed development with four (4) special conditions which require 1) use of construction best management practices (BMPs), 2) the debris disposal site to be located outside the coastal zone, 3) maintenance of the nuisance flow diversion system and 4) timing of construction to be outside of peak beach use season.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

MOTION:

I move that the Commission approve CDP #5-00-419 pursuant to the staff recommendation.

Staff recommends a YES vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, is located between the sea and first public road nearest the shoreline, and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

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. Maintenance of Nuisance Flow Diversion System

By acceptance of this permit, the applicant agrees to be responsible for routine maintenance, including inspection and regular cleaning, of the approved nuisance flow diversion system, to ensure its effectiveness prior to, and during, each "dry weather" season from April 15th through October 15th of each year. The approved nuisance flow diversion system shall be maintained to uphold its functionality.

4. Timing of Construction and Public Access

By acceptance of this permit, the applicant agrees to minimize adverse impacts to public use of the adjacent beach area resulting from construction activities as required below.

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- a) No construction shall occur during the "peak use" beach 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.
 - b) In the event that the Linda Lane pedestrian accessway becomes obstructed during construction, signage shall be posted on site identifying the nearest public accessway providing safe railroad crossing.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Location and Description

The proposed project is located between the first public road and the sea within the Linda Lane storm drain channel in the City of San Clemente, Orange County (Exhibits 1 & 2). The project site is an existing concrete trapezoidal drainage channel running just north of Linda Lane Park, inland of the OCTA railroad tracks. The channel converges with a pedestrian undercrossing that provides public access to the beach.

The proposed project will intercept and re-route nuisance urban runoff from the outlet point of a 48" diameter drainpipe to an existing sewer main that crosses beneath the channel directly in front of the pedestrian undercrossing (Exhibit 3). This will require the construction of a new drain box with grate at the drainpipe outlet point, a 6" diameter PVC pipe connection to the existing sewer main and new sewer manhole. All work will be done within the municipal drainage easement.

The project will improve coastal water quality by diverting urban runoff into the sewer system for treatment at the City's wastewater treatment plant prior to discharge into the ocean. The project will also improve public access to the coast by reducing the amount of urban runoff that flows through the pedestrian railroad undercrossing at the subject site, thereby allowing the public to pass through a dry, unobstructed walkway.

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 improve coastal water quality by diverting runoff from the Linda Lane storm drain channel to the sewer system during dry weather, identified by the City as April 15th—October 15th. Flows occurring during "dry weather" are typically those associated with nuisance runoff (nuisance runoff includes flows from irrigation, car washing, and light precipitation). The diverted flow will be treated at the City's Wastewater Treatment Plant prior to discharge into coastal waters.

Recent beach closures occurring throughout Orange County, including those in Huntington Beach, Newport Beach and Laguna Beach, have been attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources. The proposed project is expected to improve water quality through the implementation of storm water diversion improvements, which will prevent nuisance flow from entering the ocean during the dry weather season.

According to the applicant, the proposed diversion project is consistent with both local and state water quality requirements. Diversion of urban runoff water was addressed in the recently modified and approved NPDES permit for the City of San Clemente, which encourages diversion where feasible. (The City of San Clemente is a co-permittee in the County of Orange Municipal NPDES Stormwater Permit No. CA 8000180.) Additionally, the City has determined that the project will not overburden the City's wastewater treatment plant as the estimated additional quantity of effluent to be treated will be 0.038 million gallons per day (mgd), whereas the plant has a treatment capacity of 7.2 mgd and is currently utilizing 4.5 mgd. As discussed in the Negative Declaration for the proposed project, the quantity of flow that will be diverted represents less than one percent of the City's treatment plant capacity.

Although the proposed diversion project is expected to improve the quality of coastal waters after completion, 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.

In order to ensure that the proposed nuisance flow diversion system is properly maintained for the life of the project, the Commission imposes Special Condition No. 3. Special Condition No. 3 requires the City to be responsible for routine maintenance, including inspection and regular cleaning, of the approved nuisance flow diversion system, to ensure its effectiveness

prior to, and during, each "dry weather" season from April 15th through October 15th of each year. As such, the system will maintain its functionality and serve to improve water quality.

As discussed above, the proposed nuisance flow diversion project will prevent untreated storm water from entering the ocean during dry weather, thereby improving water quality. During construction, special precautions will be followed to ensure that materials are stored properly and debris is disposed of at an appropriate location. Once construction is complete, the City will maintain the nuisance flow diversion system to ensure its functionality. 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. Public Access and Recreation

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any 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 diversion system will be located between the first public road and the sea within the Linda Lane storm drain channel, directly inland of the OCTA railroad tracks.

The proposed project consists of the construction of storm drain improvements that will serve to divert urban runoff to the sewer system during dry weather flows. Additionally, the proposed project will result in a reduction of nuisance flow currently entering the channel and discharging to the beach through the railroad undercrossing. At present, nuisance flow often obstructs pedestrian access via the undercrossing. Runoff and debris often collect within the accessway, thereby obstructing public access to the beach.

As described previously, the proposed project involves the installation of a nuisance flow diversion system within the Linda Lane storm drain channel. Specifically, the proposed project involves the capture of nuisance flow at the outlet point of an existing 48" drainpipe and the re-routing of flow to a sewer main located beneath the channel. The project will require the construction of a new drain box with grate at the 48" drainpipe outlet point, a 6" diameter PVC pipe connection to the existing sewer main, a flapper valve, and a new sewer manhole. The diverted runoff will be sent to the City's wastewater treatment plant rather than being discharged to the adjacent beach. The elimination of urban runoff that currently flows through the pedestrian railroad undercrossing will allow the public to pass through a dry, unobstructed walkway. As such, access via the pedestrian undercrossing will be improved.

Construction impacts, such as the obstruction of the Linda Lane railroad underpass accessway, can affect the public's ability to recreate at 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. With this in mind, the City intends to initiate construction in late February/early March 2001. Construction is intended to take approximately two (2) weeks. As such, the proposed project will be completed prior to 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 channel and not within the pedestrian undercrossing. 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 No. 4. This special condition requires construction to occur prior to the Memorial Day weekend and/or following the Labor Day weekend. The condition also requires that signage be 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.

At the time of this staff report, the City Engineering staff has indicated acceptance of these special conditions. Only as conditioned for continued public access does the Commission find the proposed development consistent with the public access policies of the Coastal Act.

D. Local Coastal Program

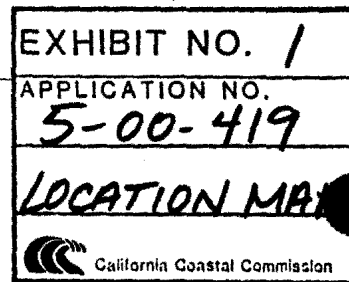
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The Commission certified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

E. 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 which the activity may have on the environment.

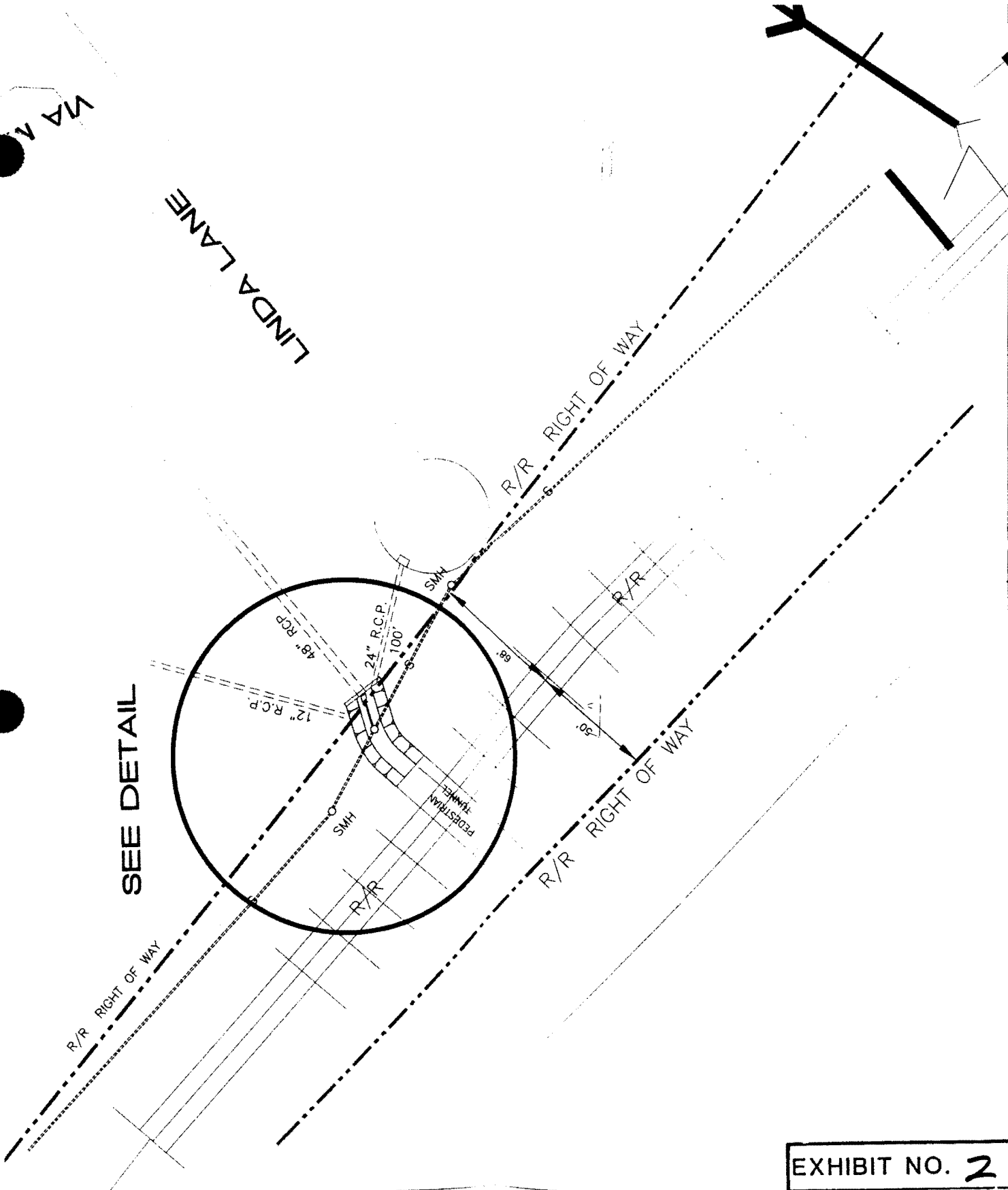
The proposed project has been found to be consistent with the public access policies of the Coastal Act. Mitigation measures, in the form of special conditions, are imposed which require 1) use of construction best management practices (BMPs); 2) disposal of construction debris outside of coastal zone; 3) continued maintenance of the nuisance flow diversion system; and 4) timing of construction to be outside of peak beach use season. No further alternatives, or mitigation measures, beyond those imposed by this permit amendment, would substantially lessen any significant adverse impacts which the development would have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.




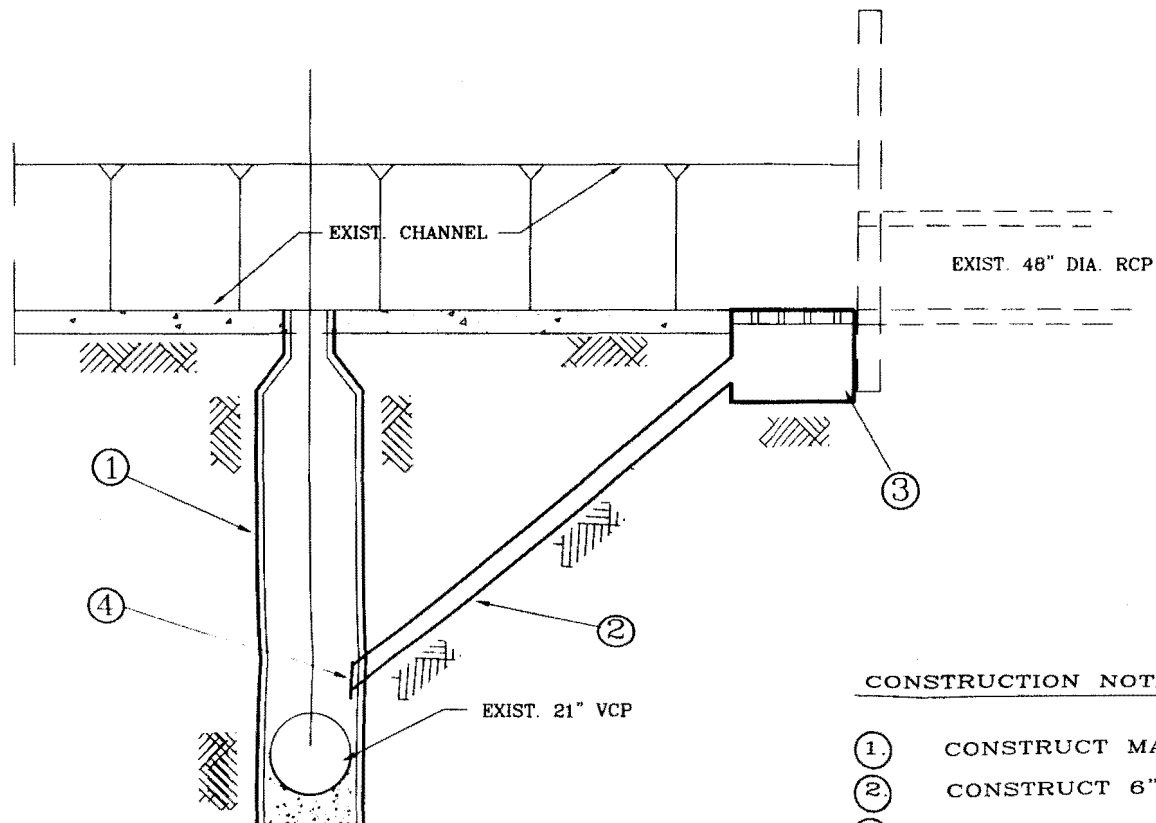
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LINDA LANE

SEE DETAIL



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| EXHIBIT NO. 2 |
| APPLICATION NO. 5-00-419 |
| PROJECT SITE |
|  California Coastal Commission |




LONGITUDINAL SECTION

NOT TO SCALE

CONSTRUCTION NOTES:

- ① CONSTRUCT MANHOLE
- ② CONSTRUCT 6" DIA. PVC
- ③ CONSTRUCT CHRISTY V64 DRAIN BOX WITH GRATE
- ④ CONSTRUCT FLAPPER VALVE

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|  California Coastal Commission | PROJECT PLANS |
| | APPLICATION NO. 5-00-419 |
| | EXHIBIT NO. 3 |