

**CALIFORNIA COASTAL COMMISSION**

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



Filed: November 3, 2000  
49th Day: December 22, 2000  
180th Day: May 2, 2001  
Staff: ALK-LB *ALK*  
Staff Report: January 25, 2001  
Hearing Date: February 13-16, 2001  
Commission Action:

**RECORD PACKET COPY****Item Tu 4c****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-00-445

**APPLICANT:** City of San Clemente Engineering Division

**AGENT:** Charles D. Stuck, Principal Engineer

**PROJECT LOCATION:** Seaward of northerly cul-de-sac at Plaza a La Playa, San Clemente, County of Orange

**PROJECT DESCRIPTION:** Construction of a nuisance flow diversion system within the Riviera storm drain channel, including the installation of a 6" diameter collection pipe along the base of the channel and connection to a nearby sewer manhole for conveyance to the City's wastewater treatment plant.

**APPROVALS RECEIVED:** City of San Clemente City Council approval of Negative Declaration for the Riviera 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 westerly of Plaza a la Playa into the railroad under-crossing and onto the beach. The project will result in the interception and diversion of nuisance flow to an adjacent 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 #5-00-445 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.

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 15<sup>th</sup> through October 15<sup>th</sup> 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.

- 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 Riviera 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 Riviera storm drain channel, which runs northwesterly of Plaza a la Playa in the City of San Clemente, Orange County (Exhibits 1 & 2). Plaza a la Playa is a double-ended cul-de-sac located in a residential neighborhood approximately two (2) miles south of the municipal pier. The proposed project will occur north and west of the northernmost cul-de-sac.

The proposed project will intercept and re-route nuisance urban runoff from an inland point within the concrete storm drain channel to an existing sewer manhole located approximately 100 feet seaward. The project involves installation of a new 6" PVC collection pipe along the length of the channel (above-ground), the construction of a wooden weir adjacent to the outlet point of a 72" diameter reinforced concrete storm drain pipe, and the connection of the collection pipe and new check valve to an existing sewer manhole (Exhibit 3).

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 Riviera storm drain channel to the nearby sewer system during dry weather, identified by the City as April 15<sup>th</sup>—October 15<sup>th</sup>. 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 15<sup>th</sup> through October 15<sup>th</sup> of each year. As such, the system will maintain its functionality and serve to improve the quality of water entering the ocean.

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 Riviera 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 Riviera storm drain channel. Specifically, the proposed project involves the construction of a new wooden weir adjacent to the outlet point of an existing 72" diameter storm drain pipe. (The wooden weir will supplement an existing concrete weir.) The weir is intended to collect and direct nuisance flow to a new 6" diameter PVC collection pipe which will run above-ground the length of the channel. The nuisance flow will then be conveyed to an existing sewer manhole that is located 100' west of the storm drain pipe outlet point. The runoff will be sent to the City's wastewater treatment plant rather than being discharged to the adjacent beach. As such, access via the pedestrian undercrossing will be improved.

Construction impacts, such as the obstruction of the Riviera 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.

Only as conditioned for maintenance of public access does the Commission find the proposed development consistent with the public access policies of the Coastal Act.

**D. Local Coastal Program**

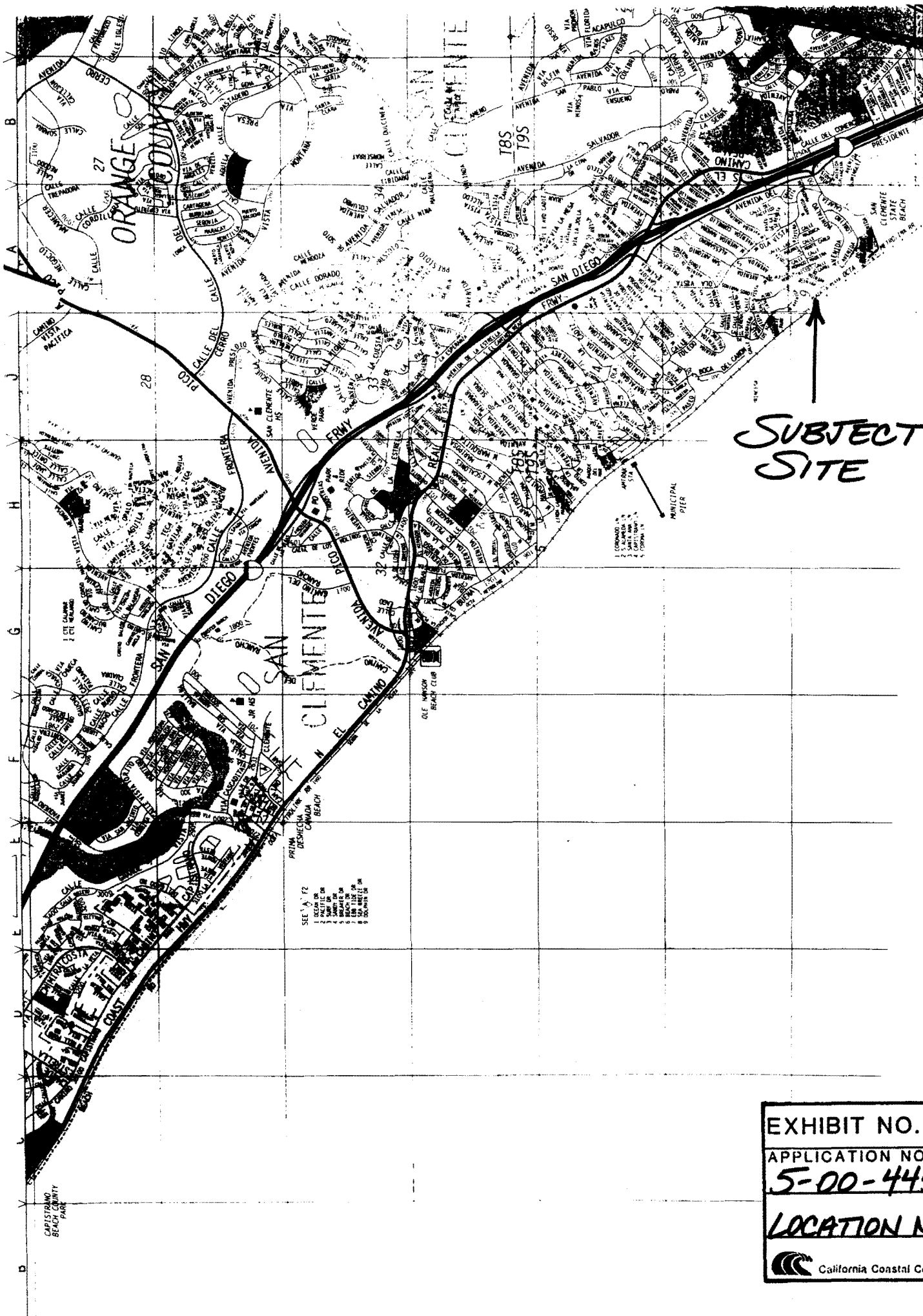
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The Commission certified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

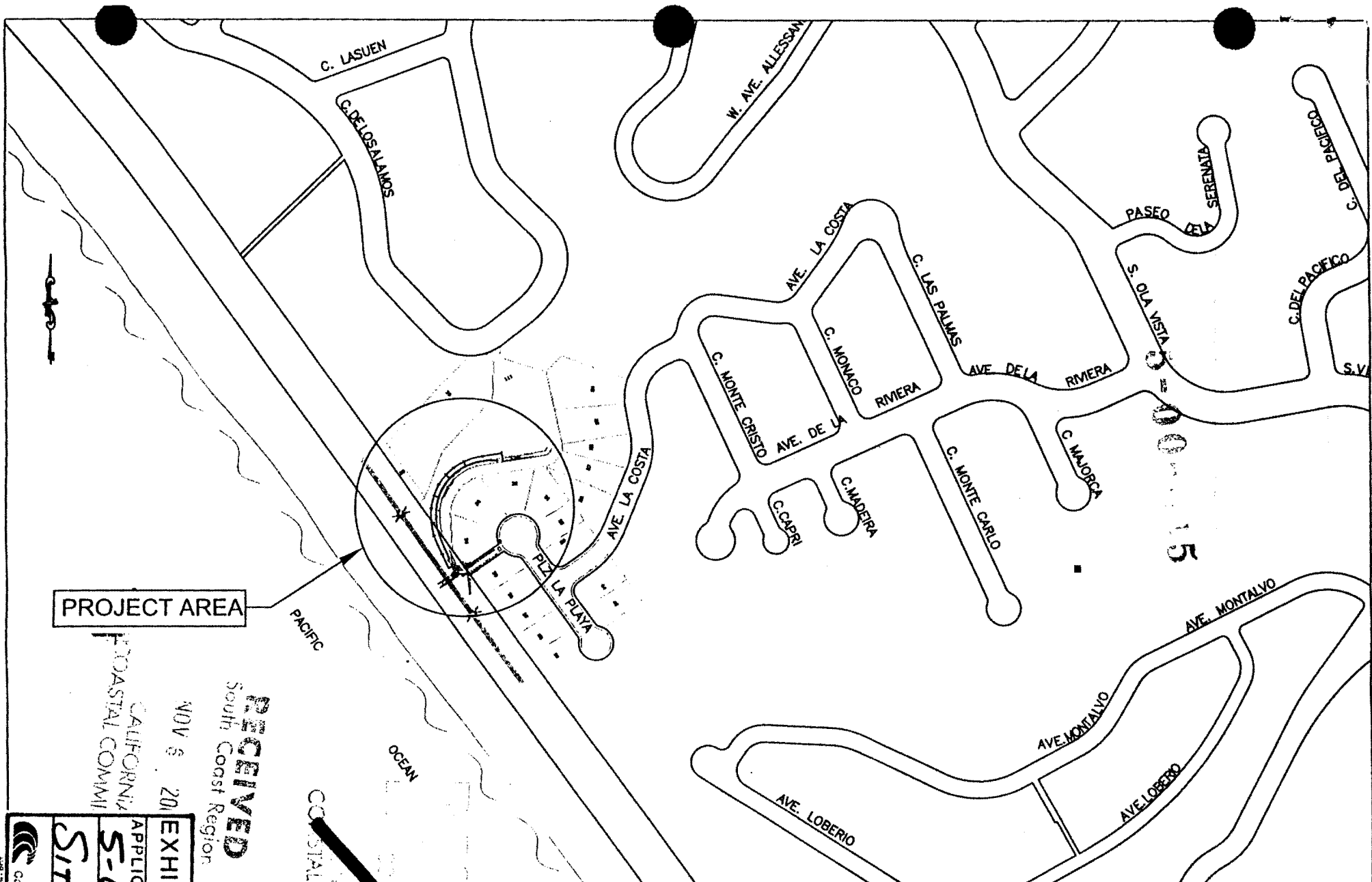
The proposed project has been found to be consistent with the public access policies of the Coastal Act. Mitigation measures, in the form of special conditions, are imposed which require 1) use of construction best management practices (BMPs); 2) disposal of construction debris outside of coastal zone; 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.



SUBJECT  
SITE

EXHIBIT NO. 1
APPLICATION NO. 5-00-445
LOCATION MAP
 California Coastal Commission





PROJECT AREA

PACIFIC

OCEAN

**RECEIVED**  
South Coast Region

CALIFORNIA  
COASTAL COMMISSION

2000

NOV 6 2000

CALIFORNIA  
COASTAL COMMISSION

EXHIBIT NO. 2

APPLICATION NO.

5-00-445

SITE MAP



California Coastal Commission



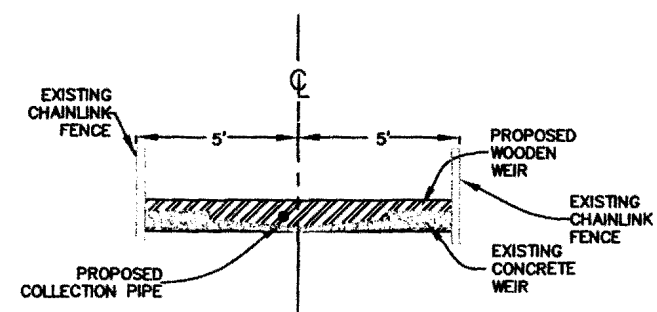
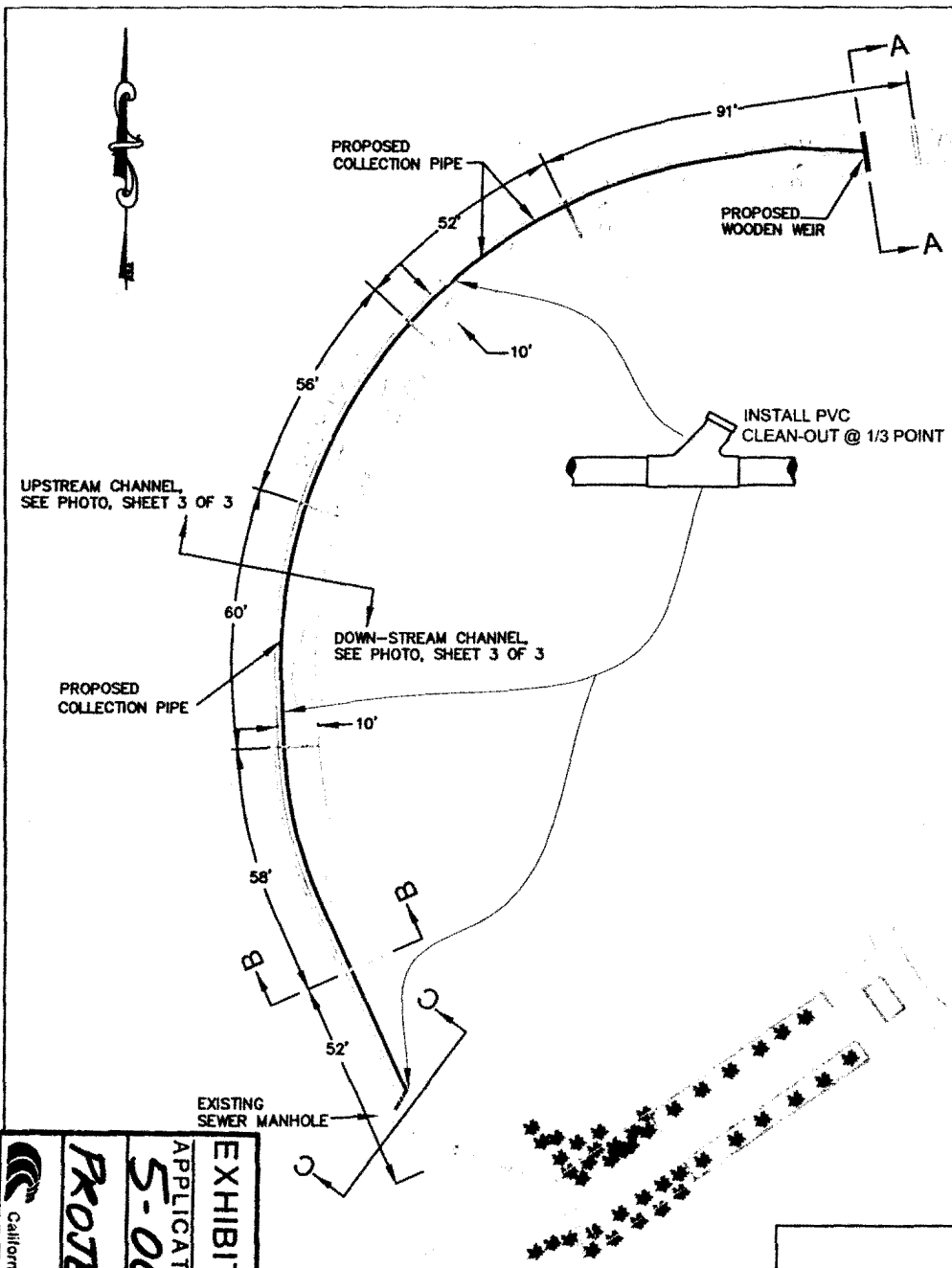
City of San Clemente

Engineering Division

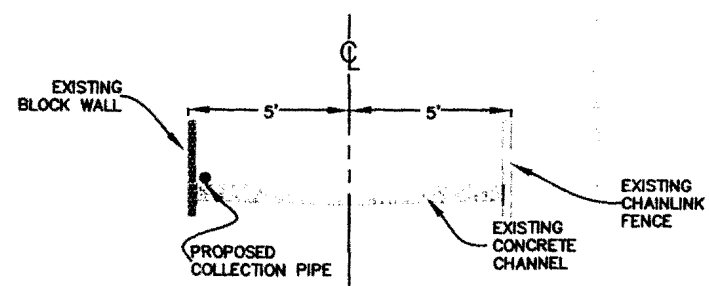
910 Calle Negocio, Suite 100  
San Clemente, CA 92673  
Tel (949) 361-6118  
Fax (949) 361-8318

**RIVIERA CHANNEL  
NUISANCE WATER COLLECTION SYSTEM**

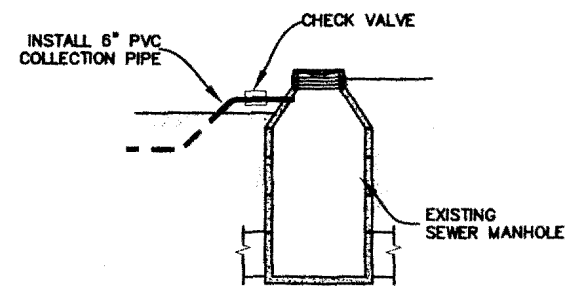
DATE: 3-29-00	PROJECT NO.	REV 2
SCALE: N.T.S.	LOCATION MAP	SHEET 1 OF 3




SECTION A-A  
PROPOSED WOODEN WEIR




SECTION B-B  
TYPICAL CHANNEL SECTION



SECTION C-C

  
 California Coastal Commission  
**PROTECT PLAN**  
 EXHIBIT NO. 3  
 APPLICATION NO. 5-00-44

  
**City of San Clemente**  
 Engineering Division  
 910 Calle Negocio, Suite 100  
 San Clemente, CA 92673  
 Tel (949) 361-6118  
 Fax (949) 361-6316

RIVIERA CHANNEL NUISANCE WATER COLLECTION SYSTEM		
DATE: 4-3-00	PROJECT NO.	REV 2