

CALIFORNIA COASTAL COMMISSION

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Item W4a

Filed:	November 30, 2001
49 th Day:	January 1, 2002
180 th Day:	May 29, 2002
Staff:	ALB/LB ALB
Staff Report:	January 17, 2002
Hearing Date:	February 5-8, 2002
Commission Action:	

STAFF REPORT: CONSENT CALENDAR**APPLICATION NUMBER:** 5-01-456**APPLICANT:** City of San Clemente, Beaches, Parks & Recreation Dept.**AGENT:** Dennis Roger Reed, Beaches & Parks Manager**PROJECT LOCATION:** Inland of Marine Safety Headquarters, 620 Avenida Del Mar, San Clemente, Orange County**PROJECT DESCRIPTION:** Construction of a 30' wide x 12' deep x 5' 4" high concrete block enclosure with 9' 5" high opaque cover to screen existing trash bins, recycling area and hot coal handling area.**SUMMARY OF STAFF RECOMMENDATION:**

The City of San Clemente is proposing to construct a new trash enclosure directly inland of the Marine Safety Headquarters Building. The proposed project is located between the first public road and the sea, just upcoast of the San Clemente Municipal Pier. The major issues addressed in the staff report involve water quality, public access and potential wave uprush hazard.

Staff recommends the Commission **APPROVE** the proposed development with four (4) special conditions, including; 1) use of construction best management practices (BMPs); 2) the debris disposal site to be located outside the coastal zone; 3) submittal of revised project plans showing a solid roof instead of a lattice roof; and 4) timing of construction to be outside of peak beach use season. At the time of this staff report, the applicant is in agreement with all conditions of approval recommended by staff.

LOCAL APPROVALS RECEIVED:

Approval-in-Concept from the Department of Community Development of the City of San Clemente dated November 28, 2001.

SUBSTANTIVE FILE DOCUMENTS:

City of San Clemente Certified Land Use Plan, City of San Clemente Pier Bowl Specific Plan, DRAFT Policy for Protecting, Replacing or Relocating Existing Beach Facilities prepared by City of San Clemente Coastal Advisory Committee and Coastal Development Permits 5-98-187 (City of San Clemente, 5-00-333 (City of San Clemente) and 5-01-147 (City of San Clemente).

LIST OF EXHIBITS:

1. Vicinity Map
2. Site Map
3. Coastal Access Points
4. Project Plans and Photos

STAFF RECOMMENDATION:

The staff recommends that the Commission **APPROVE** the permit with special conditions.

MOTION:

I move that the Commission approve Coastal Development Permit No. 5-01-456 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion 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 including the public access and recreation policies of Chapter 3, 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, 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 shall 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 projects 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. Submittal of Revised Project Plans

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) sets of revised project plans which demonstrate full coverage of the trash enclosure with a solid roof, thereby preventing stormwater from entering the trash bin 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 required.

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 areas resulting from construction activities as required below.

- 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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Location, Description and Background

Project Location

The proposed project site is located directly inland of the Marine Safety Headquarters Building and seaward of the OCTA railroad tracks in the City of San Clemente, Orange County (Exhibits 1 & 2). The Marine Safety Headquarters is located on the sandy beach, just upcoast of the Municipal Pier. As shown in Exhibit 3, lateral public access is available directly seaward of the subject property, beyond the Marine Safety Headquarters. Vertical public access is available at the Municipal Pier, approximately 350 feet downcoast.

Project Description

The City's Beaches, Parks and Recreation Department is proposing to construct a 30' wide x 12' deep x 5' 4" high enclosure to screen existing trash bins, a recycling area and a hot coal handling area (Exhibit 4). The structure will consist of three concrete block walls enclosed by heavy-duty steel doors and covered by a 9' 5" high opaque roof. (The applicant originally proposed a lattice roof, but has since revised their project description in response to Commission staff's water quality concerns.) The roof will match the composition material used on the adjacent Marine Safety Headquarters. As described by the applicant, *“this will improve the appearance of the enclosure for the neighbors above, and provide significantly improved water runoff protection during inclement weather.”* A new concrete floor will replace the existing asphalt floor. At present, there are five roll-away bins stored in this area, which are used daily to remove debris from throughout the adjacent beaches. The bins are currently enclosed on two sides (upcoast and downcoast) by 6' high chain link fences. According to City ordinance, the bins must be placed in a paved trash enclosure to screen them from public view. Installation of the proposed block walls will provide the necessary screening from beach level. The opaque cover will screen the bins and enclosure from the view of the residents located on the bluffs above the subject site. According to the applicant, *“construction will occur in autumn, winter or spring months, when coastal use is less.”*

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 construct an enclosure to screen an existing trash bin area directly behind the Marine Safety Headquarters. The proposed enclosure is located inland of the sandy beach, but within approximately 75'-100' of coastal waters. Due to its location, it is necessary to ensure that the proposed project does not adversely affect water quality. In their application, the City states "any water used during construction will be disposed of off site, and therefore, no project runoff into beach storm drains or the ocean will be allowed." While the prohibition of water discharge into beach storm drains during construction is acknowledged, the handling of construction debris has not been addressed in the City's application.

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.

It is also necessary to ensure that post-construction activities do not adversely affect coastal resources. The project involves the construction of a new enclosure around an existing trash bin area. Although this is a continuation of the previous use, the project presents an opportunity to improve water quality. As proposed, the project includes measures to prevent debris from entering the adjacent beach and/or storm drain system via stormwater runoff. The concrete block walls will prevent water from flowing outside the enclosure in an uncontrolled manner. The drainage will be directed toward the existing Marine Safety Headquarters employee parking area. In addition, the proposed roof structure will prohibit rainwater from entering the trash enclosure. The applicant originally proposed a lattice roof. The project plans have not yet been revised to reflect the newly proposed solid roof. As such, the Commission imposes Special Condition 3, which requires submittal of revised project plans showing full coverage of the trash enclosure prior to issuance of the permit. With the proposed modifications, the project provides measures to improve current conditions and will not result in post-construction impacts on 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. Only as conditioned for submittal of revised project plans and appropriate construction practices 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 30212(a)(2) of the Coastal Act states, in pertinent 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 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, including 30212 identified above. As shown in Exhibits 1 and 2, the proposed project site is located between the first public road and the sea. The site is located directly seaward of the OCTA railroad tracks.

The nearest vertical access to the shoreline in the area of the proposed project is currently available via the Municipal Pier access point, which provides both an at-grade paved railroad crossing and a below-grade underpass (Exhibit 3). This access point is located at the base of the Municipal Pier adjacent to commercial shops, bus stops, a park, the beach and the Marine Safety Headquarters. As stated in the City's certified LUP, "*due to the diversity of attractions in the Pier Bowl, the Municipal Pier access receives the highest use of any access in the City.*" The nearest lateral access is available just seaward of the Marine Safety Headquarters.

As described previously, the proposed project consists of the construction of a new trash enclosure. Temporary construction impacts, such as obstruction of lateral or vertical access to the shoreline with trucks and/or equipment, can affect the public's ability to access the beach and recreate on it. Construction related impacts could be partially alleviated by limiting construction work to the off-peak season (fall and winter) when beach use by the public is typically low. With this in mind, the City intends to initiate construction in the off-peak season. The City has also indicated that beach access will not be affected during construction, as alternative access will be provided during construction. Although the applicant intends to complete the project prior to peak beach use season and to maintain public access during construction, there is a possibility for delay and/or unexpected construction impacts. Therefore, to guarantee that public access is maintained during peak beach use season, the Commission imposes Special Condition No. 4. This special condition requires construction to occur prior to the Memorial Day weekend and/or following the Labor Day weekend.

At the time of this staff report, the City staff has indicated acceptance of this special condition. 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. Wave Uprush Hazard

The project site is located directly inland of the Marine Safety Headquarters Building. Due to its proximity to the Pacific Ocean, the Headquarters Building is regularly subject to wave up-rush ensuing from seasonal high tides and storm events. In 1998, the Commission approved the

installation of a 3/8 inch, 75 foot long sheetpile wall in front of the Marine Safety Headquarters Building to protect the site from further damage resulting from wave attack.

Section 30253 of the Coastal Act requires that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. The project involves new development in the form of a trash enclosure. The project site is adjacent to an area subject to flood hazard. Section 30235 of the Coastal Act states that an existing structure can be protected when in danger from erosion provided that the protective structure is designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Specifically, it reads:

“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. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.”

While Section 30235 of the Coastal Act allows shoreline protective devices to protect existing structures, in this situation, the project involves the construction of an ancillary improvement to the existing use and is not considered substantial new development that will necessitate protection. The proposed trash enclosure is a secondary structure that could be removed and relocated if threatened with wave attack. Additionally, the project site is shielded from potential wave uprush by the Marine Safety Headquarters Building, which is now protected by the driven sheet pile. The proposed project will minimize risks to life and property in an area of potential flood hazard and will not necessitate the construction of a shoreline protective device. Therefore, the Commission finds the project consistent with Sections 30253 and 30235 of the Coastal Act.

E. 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).

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 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) the debris disposal site to be located outside the coastal zone; 3) submittal of revised project plans showing full coverage of the trash enclosure; 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.

ORANGE CO.

MAP V

SEE 4

7

CAPISTRANO BEACH COUNTY PARK

PACIFIC

OCEAN

SUBJECT SITE

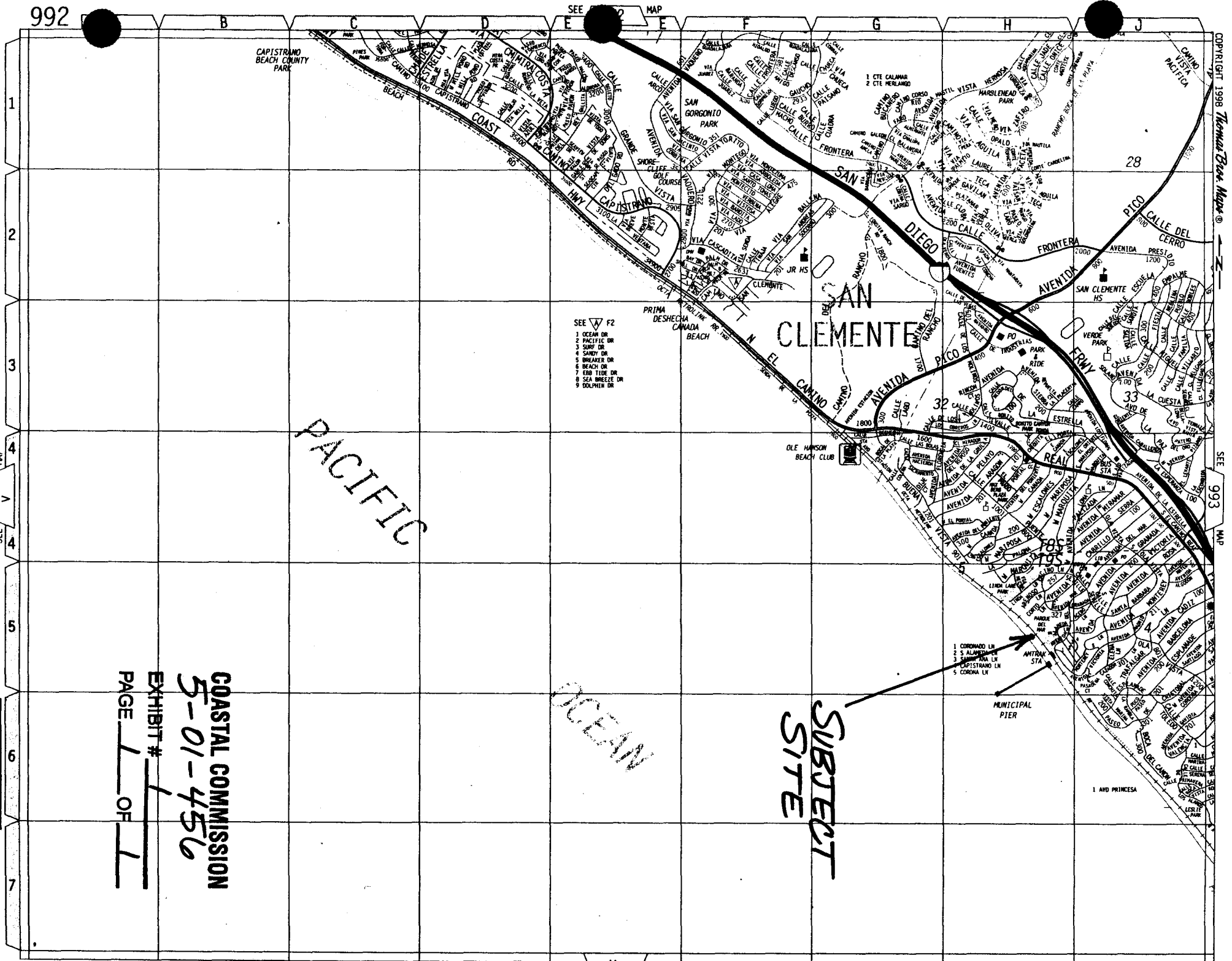
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- SEE F2
- 1 OCEAN DR
 - 2 PACIFIC DR
 - 3 SURF DR
 - 4 SANDY DR
 - 5 BREAKER DR
 - 6 BEACH DR
 - 7 EBB TIDE DR
 - 8 SEA BREEZE DR
 - 9 DOLPHIN DR

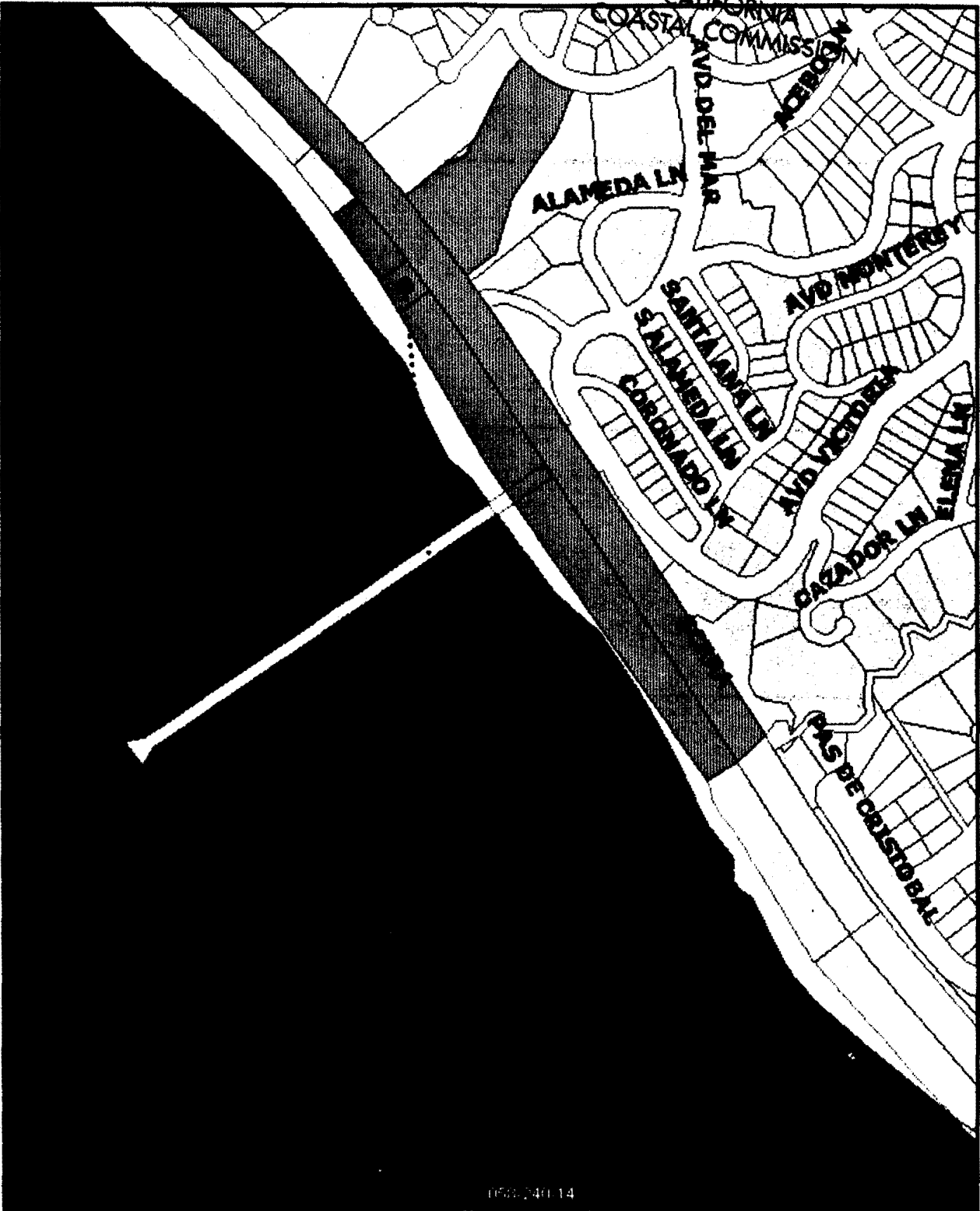
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- 3 S ALPHEUS LN
- 4 CAPISTRANO LN
- 5 CORONA LN

MUNICIPAL PIER

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Trash Enclosure @
Marine Safety Building

100' Radius Notification Map

Scale: 1" = 329'

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EXHIBIT # 2

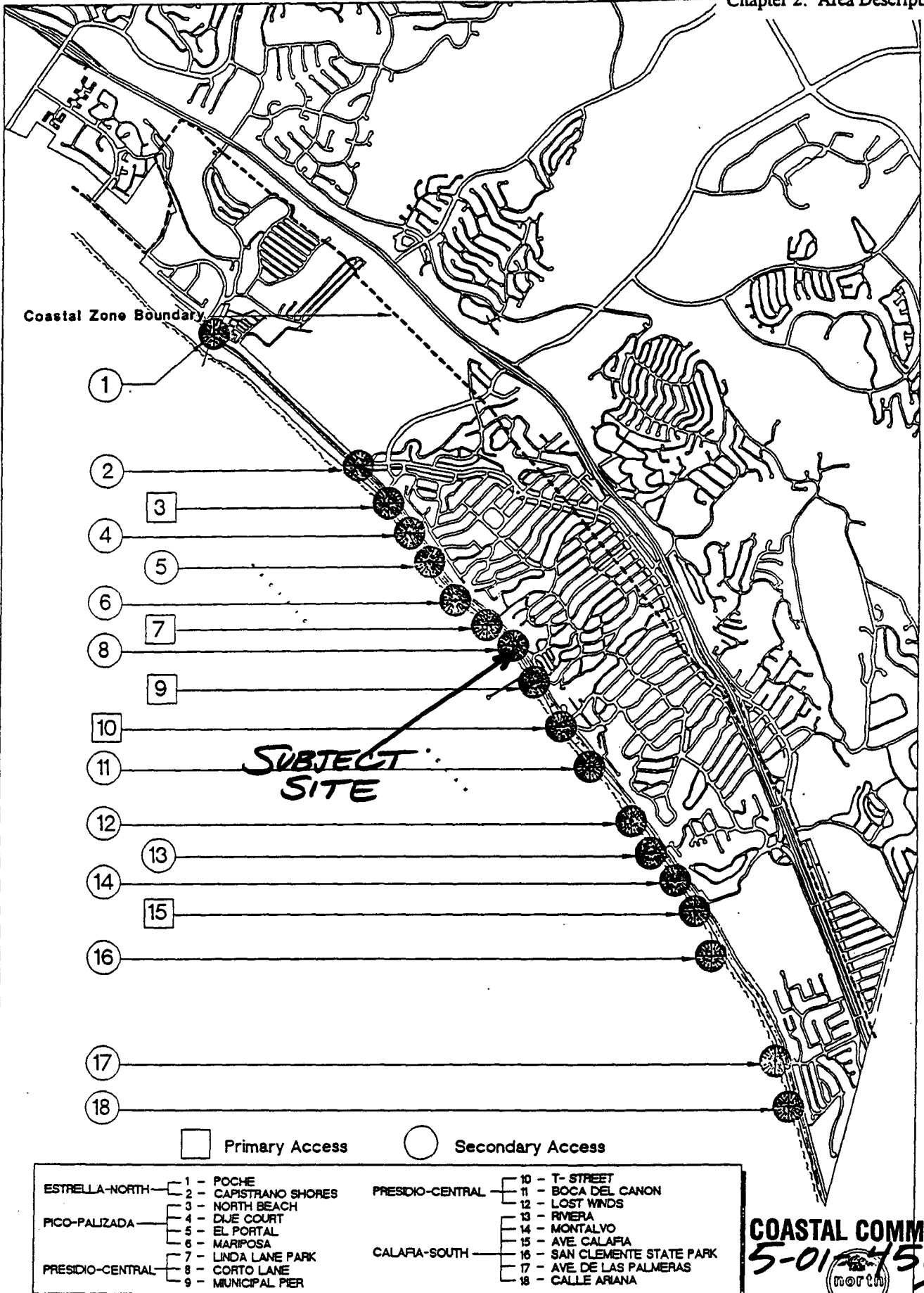


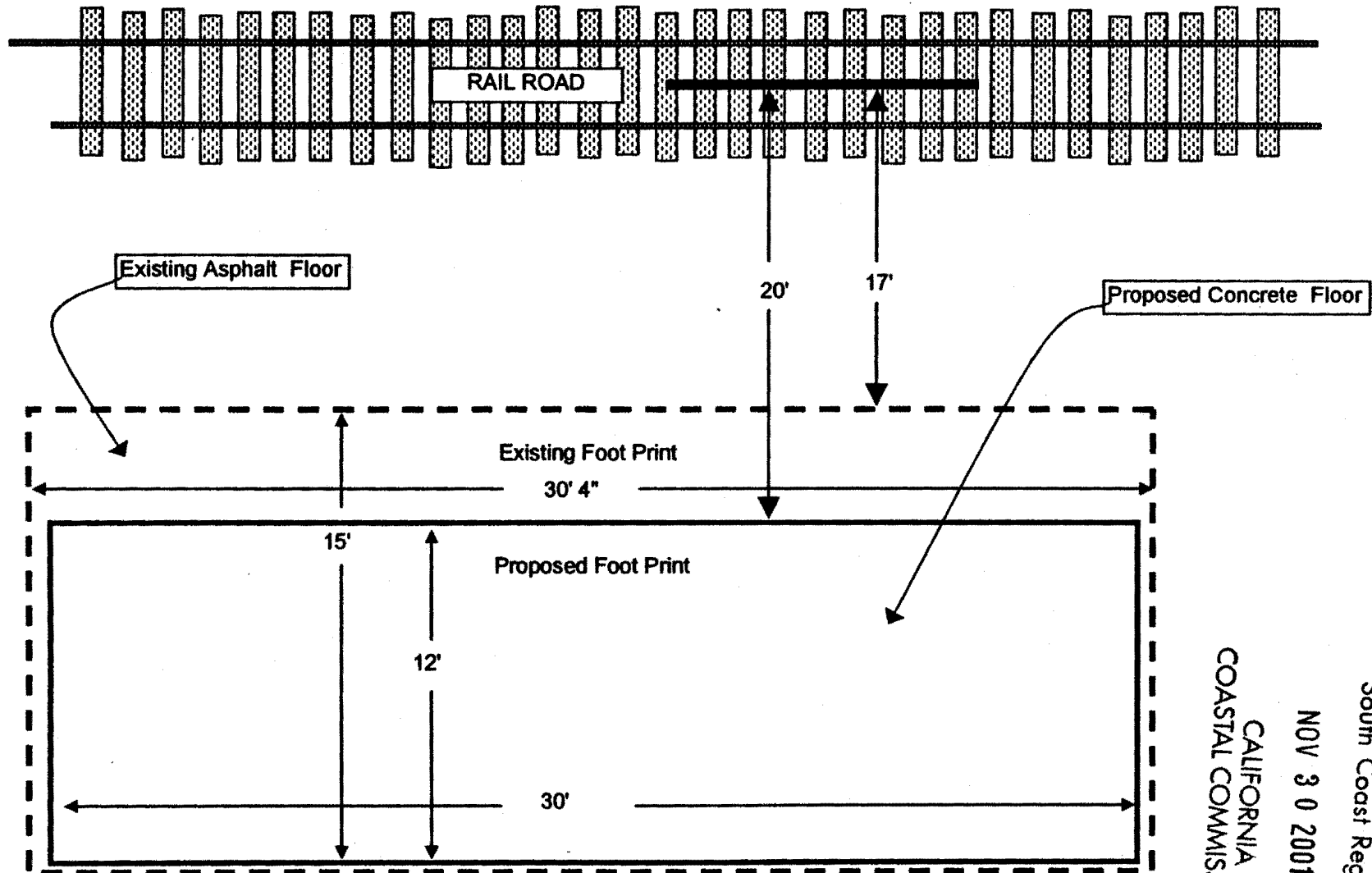
FIGURE 2-5

	□ Primary Access	○ Secondary Access
ESTRELLA-NORTH	1 - POCHE	PRESIDIO-CENTRAL
	2 - CAPISTRANO SHORES	10 - T- STREET
	3 - NORTH BEACH	11 - BOCA DEL CANON
PICO-PALIZADA	4 - DJE COURT	12 - LOST WINDS
	5 - EL PORTAL	13 - RIVERA
	6 - MARIPOSA	14 - MONTALVO
PRESIDIO-CENTRAL	7 - LINDA LANE PARK	15 - AVE. CALAFIA
	8 - CORTO LANE	16 - SAN CLEMENTE STATE PARK
	9 - MUNICIPAL PIER	17 - AVE. DE LAS PALMERAS
		18 - CALLE ARIANA

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 EXHIBIT # 3
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Marine Safety Trash Enclosure - Footprint - Proposed & Existing

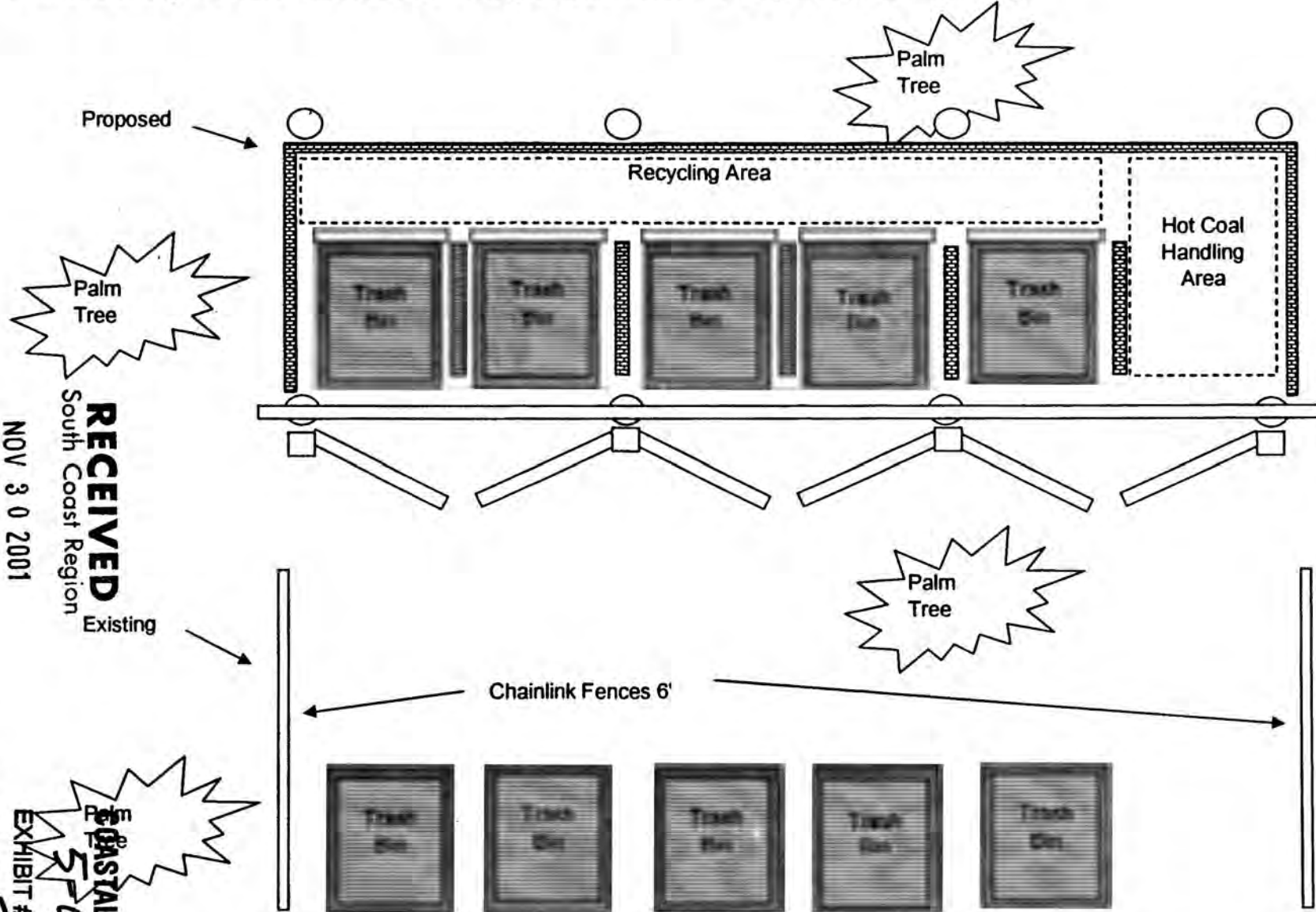


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Marine Safety Trash Enclosure - Layout Interior - Proposed & Existing



Proposed

Palm Tree

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Existing

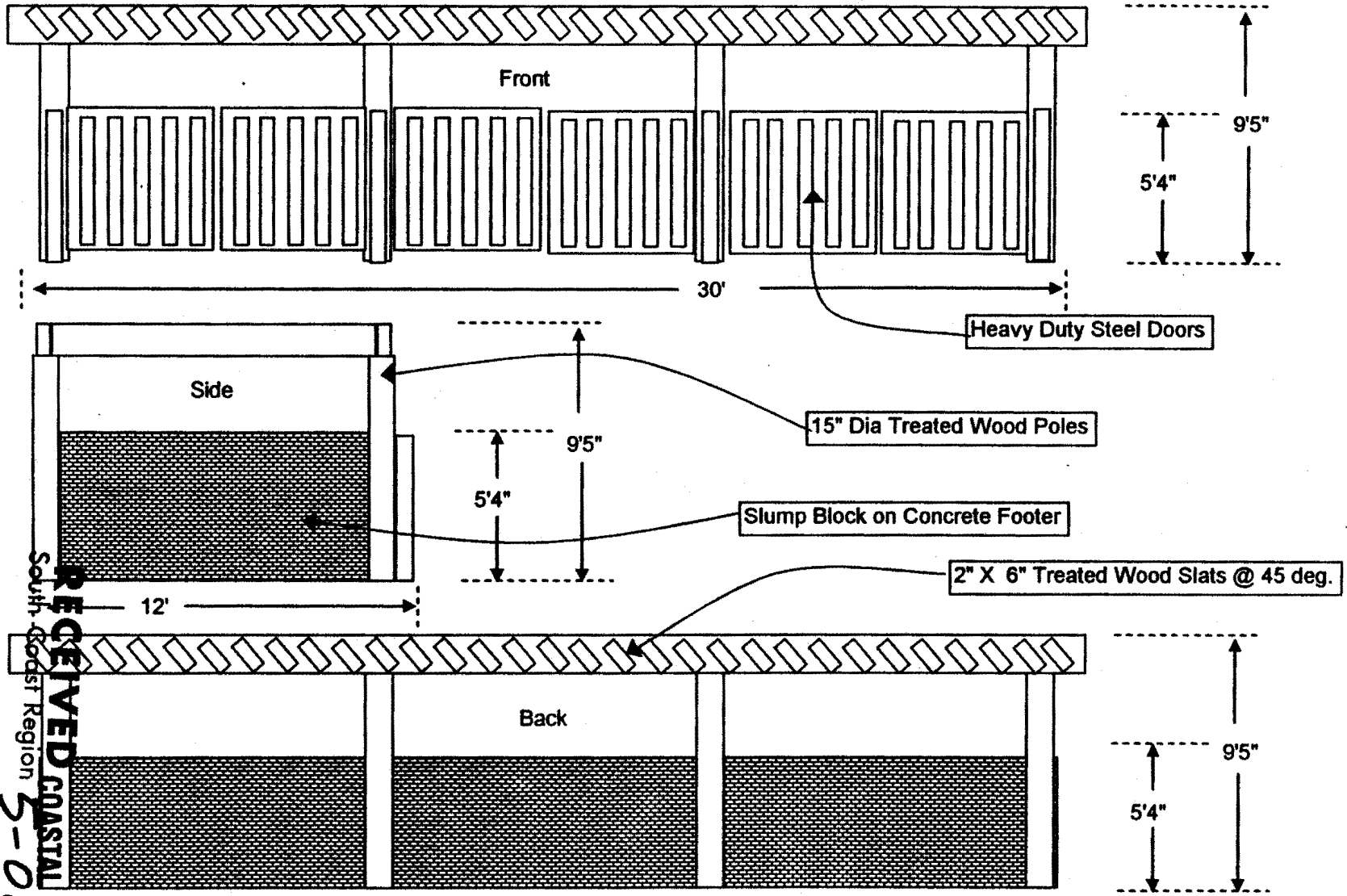
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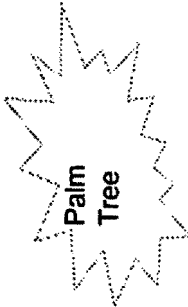
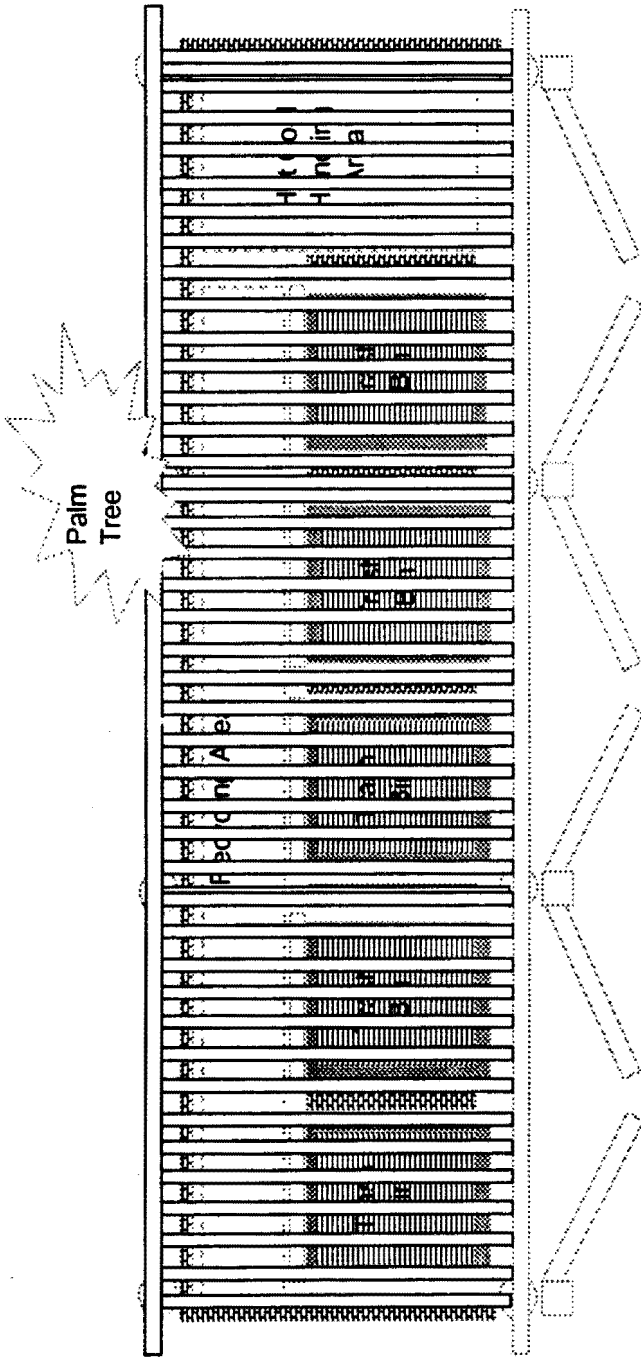
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Marine Safety Trash Enclosure - Elevation - Proposed



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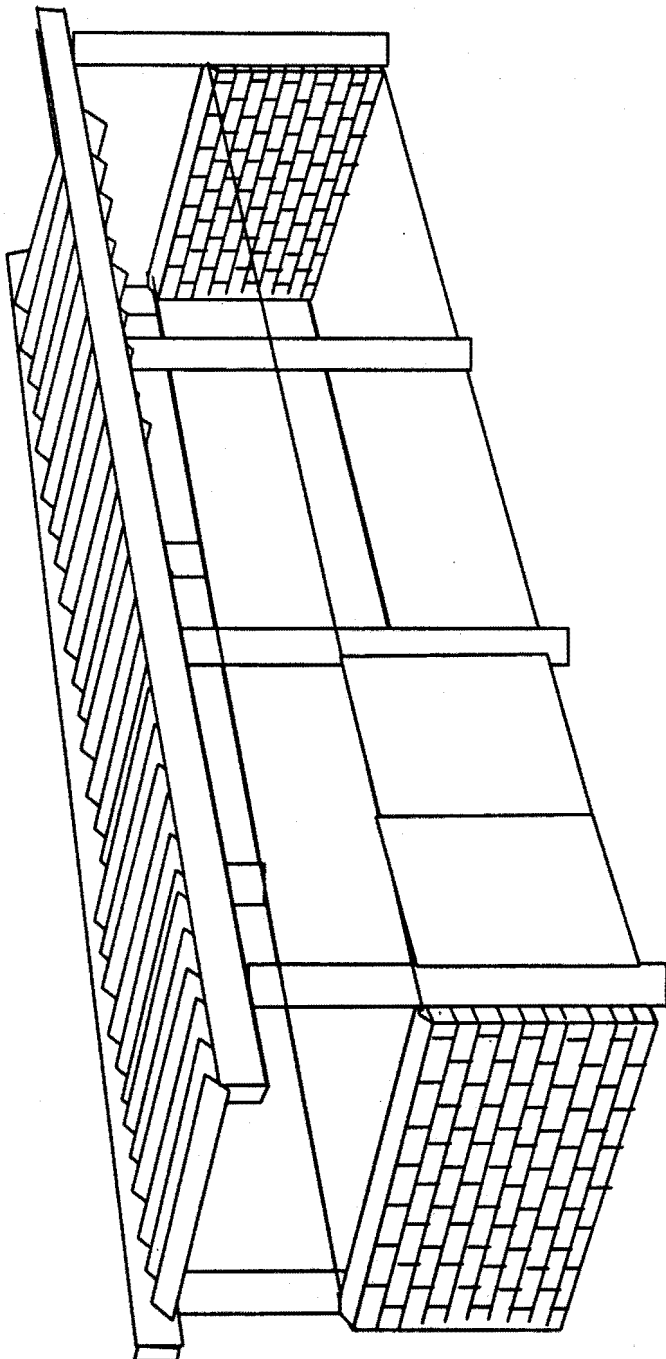
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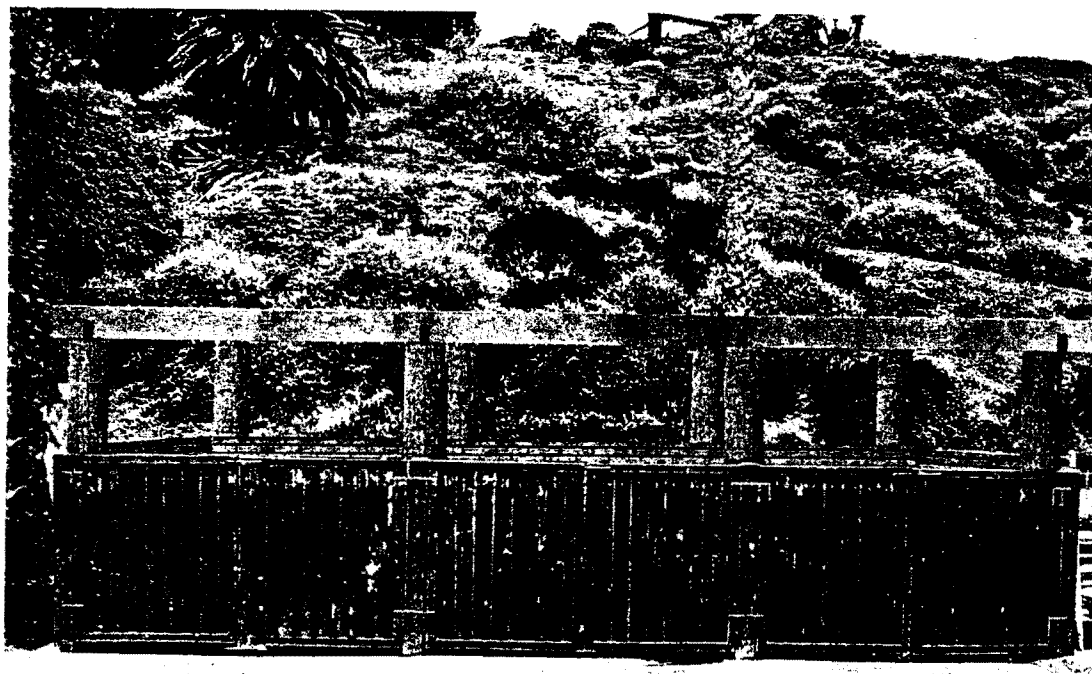
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Marine Safety - Dumpster/Storage Enclosure



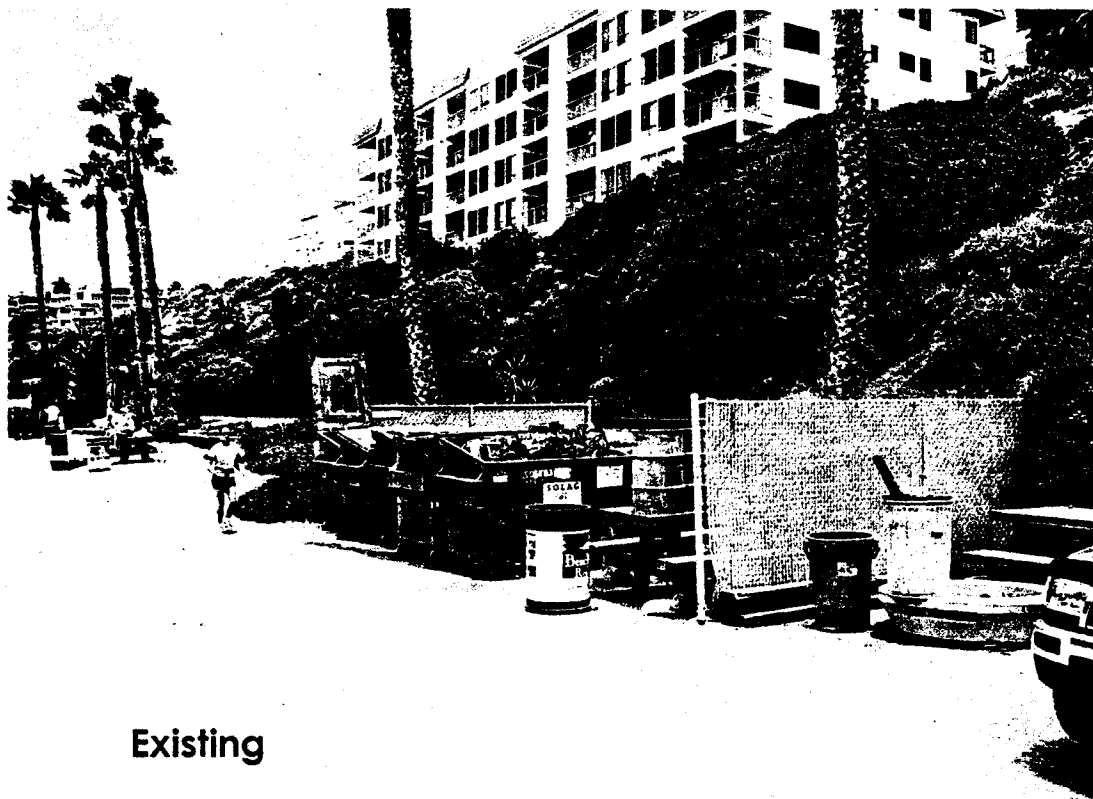
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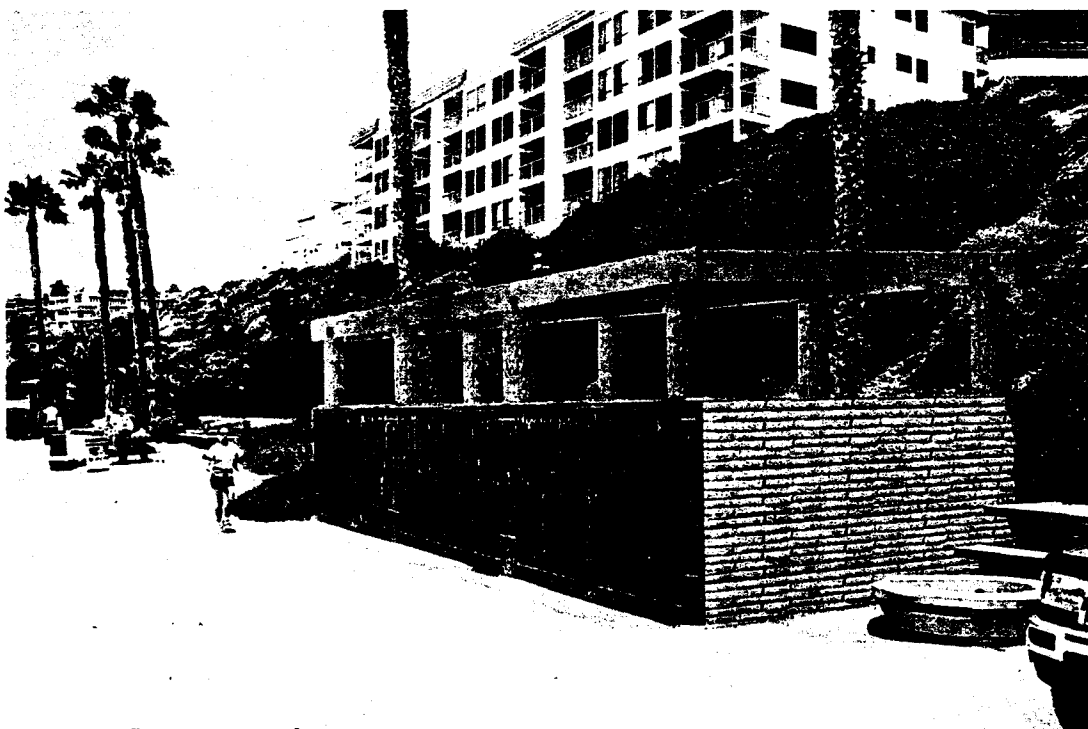
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Marine Safety - Dumpster/Storage Enclosure



Existing



Proposed

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