

**CALIFORNIA COASTAL COMMISSION**

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RECORD ~~PACKET~~ COPY**Item Th 9a**

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Staff: ALB-LB *ALB*  
Staff Report: May 20, 2004  
Hearing Date: June 9-11, 2004  
Commission Action:

**STAFF REPORT: MATERIAL AMENDMENT****APPLICATION NO.:** 5-01-234-A2**APPLICANT:** City of San Clemente**AGENTS:** Dennis Roger Reed, Beaches and Parks Manager**PROJECT LOCATION:** San Clemente Municipal Pier, City of San Clemente,  
Orange County**ORIGINAL PROJECT DESCRIPTION:**

Repairs to Municipal Pier, including replacement of fifteen (15) wooden pier pilings; one (1) wood pile cap; forty five (45) wooden stringers; fifteen (15) wooden bracings and repair of the protective coating on seven (7) steel piles. The project also involves repairs to Lifeguard Tower Zero.

**DESCRIPTION OF 5-01-234-A1:**

Repairs to Municipal Pier, including stringer repairs (50 each); bracing replacement (15 each); cross and longitudinal bracing (8 each); pile cap replacement (8 each); and deck plank replacement (approx. 4,300 sq. ft./10% of total).

**CURRENT PROJECT DESCRIPTION (5-01-234-A2):**

Repairs to Municipal Pier, including stringer repairs (196), new treated and wrapped timber piles (7), bracing replacements (55), pile cap replacement (20), deck plank replacement (4,600 square feet) and repairs to protective coating on steel piles and pile caps (48).

**SUMMARY OF STAFF RECOMMENDATION:**

The subject application is for additional structural repairs to San Clemente's Municipal Pier. Staff recommends that the Commission **APPROVE** the proposed project subject to seven (7) special conditions. The special conditions consist of: 1) notification that all standard and special conditions of the original permit as previously amended remain in effect; 2) maintenance of piling wrapping; 3) identification of construction and debris removal responsibilities; 4) conformance with post-construction best management practices; 5) timing of construction outside of the peak beach use season; 6) conformance with an existing assumption-of-risk lease restriction; and 7) notification that any future improvements to the property will require a permit from the Commission.

**SUBSTANTIVE FILE DOCUMENTS:** City of San Clemente Certified Land Use Plan, coastal development permits concerning the pier including: 3-02-071; 6-02-151; 5-01-234; 5-01-234-A1; 5-99-150, 5-99-382; 5-97-087; 5-97-086; 5-92-470; 5-92-012; 5-92-012A; 5-90-1120-A1, and 5-90-1120.

**LOCAL APPROVALS RECEIVED:** Approval in Concept from the City of San Clemente Planning Division

**EXHIBITS:**

1. Vicinity Map
  2. Project Plans
  3. Correspondence from CDFG
  4. Correspondence from RWQCB
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**PROCEDURAL NOTE:**

**Coastal Development Permit Amendments**

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The amendment request involves further repairs to the San Clemente Municipal Pier. The subject application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

Section 13166 of the Commission Regulations also calls for the Executive Director to require a permit amendment request if it would lessen the intent of the previously approved permit. The proposed amendment to undertake additional repairs would not lessen the intended affect of 5-01-234, as amended, because the project helps to maintain the function of the Pier for its use as a visitor-serving facility, consistent with the original permit. Therefore, the Executive Director accepted the amendment request for filing.

**STAFF RECOMMENDATION:**

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

**MOTION:**

***I move that the Commission approve permit amendment CDP #5-01-234-A2 pursuant to the staff recommendation.***

Staff recommends a **YES** vote. This will result in approval of the permit amendment 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:****I. APPROVAL WITH CONDITIONS**

The Commission hereby approves a coastal development permit amendment for the proposed development and adopts the findings set forth below on grounds that the development as conditioned, located between the first public road and the sea, 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. SPECIAL CONDITIONS****1. Prior Conditions**

Unless specifically altered by this amendment, all standard and special conditions attached to Coastal Development Permit 5-01-234, as amended, remain in effect. All standard and special conditions previously imposed under CDP 5-01-234, as amended, apply equally to the amendment.

**2. Piling Materials and Maintenance**

Pilings treated with Ammoniacal Copper Arsenate (ACA), Ammoniacal Zinc Arsenate (ACZA) or Chromated Copper Arsenate (CCA) shall be used only if wrapped PRIOR TO INSTALLATION in a water tight plastic sleeve, and in a manner acceptable to the Executive Director as follows:

- The material used shall be durable and a minimum of one-tenth of an inch thick.
- All joints shall be sealed to prevent leakage.
- Measures shall be taken to prevent ACA, CCA and/or ACZA from dripping over the top of plastic wrapping into State Waters. These

measures may include wrapping pilings to the top or installing collars to prevent dripping.

- The plastic sleeves shall extend a minimum of 18 inches below the mudline.

To prevent the introduction of toxins and debris into the marine environment, the use of plastic wrapped pilings (e.g. PVC Pilewrap) and reinforced plastic for pilings (e.g. high density polyethylene (HDPE) pile armor), shall conform to the following requirements:

- A. Inspection and Maintenance Program. The permittee shall exercise due diligence in periodically inspecting pilings to be repaired under this permit, and shall immediately undertake any repairs necessary to maintain the wrapping and/or structural integrity of the pilings. On an annual basis for all piles wrapped with a plastic material that may come into contact with logs and other floating debris, and on a biannual basis for those that will not, beginning one and two years (as applicable) following the date that the first pile is repaired, the permittee shall conduct a piling inspection to ensure the integrity of the pile, and that all corrective actions have or will be immediately undertaken to maintain the plastic wrapping and/or integrity of the pile. The applicant shall provide to the Executive Director the results of the monitoring annually for the life of the piling(s). The inspections shall be undertaken by boat, SCUBA or other equally effective method. If the monitoring results indicate repairs are necessary, the applicant shall immediately complete those repairs that are exempt from coastal development permit requirements, and shall apply for an amendment to this permit for those repairs requiring a permit. Alternatively, the permittee may submit a different timeline for the piling inspection program that ensures that the plastic wrapping and structural integrity of the pile is properly maintained; the alternative timeline shall be reviewed and approved by the Executive Director, **prior to the issuance of the permit.**
- B. New Information. If federal or state regulatory agencies, through new or better scientific information, determine that environmentally less damaging materials or methods are available for piling replacement, and are feasible to implement, the permittee shall, after consultation with the Executive Director, revise procedures or use alternative materials consistent with the new information. The substitution of non-plastic piling materials may be authorized by the Executive Director if the Executive Director determines that substitute material has no potential for significant adverse impacts upon coastal resources. Other revisions, including but not limited to the use of other preservative-treated, wrapped or coated piles, may require an amendment to this permit.

### 3. Construction Responsibilities and Debris Removal

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 be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the beach and pier area on a daily basis;
- (c) Disturbance to the ocean bottom and intertidal areas shall be minimized;

- (e) Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material;
- (f) Staging and storage of construction machinery and storage of debris shall not take place on the beach;
- (g) Any accidental spills of construction equipment fluids shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible;
- (h) Any construction materials, oils or liquid chemicals or other waste shall not be stored where it is subject to wave erosion and dispersion into coastal waters;
- (i) If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity.
- (j) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- (k) Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.
- (l) Netting, tarps and/or other forms of barriers shall be installed between the water and the work areas to prevent any unpermitted material from entering the Pacific Ocean.
- (m) Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone.

#### 4. Post Construction Best Management Practices

The applicant shall implement structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater and nuisance flow leaving the Municipal Pier. These source control measures may include, but are not limited to, 1) routine inspection and cleaning; 2) disposal of wash water through the sewer system; and 3) frequent trash removal. These measures shall be carried out at frequencies sufficient to effectively minimize the accumulation of pollution which could be washed into coastal waters.

#### 5. Timing of Construction

By acceptance of this permit, the applicant agrees to minimize adverse impacts to public use of the San Clemente Municipal Pier, surrounding beaches and parking lots resulting from construction activities approved pursuant to Coastal Development Permit 5-01-234-A2 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.
- The Pier, surrounding beaches and parking lots shall be open for public use during the peak use beach season.

#### 6. Assumption of Risk, Waiver of Liability and Indemnity Agreement

- A. By acceptance of this permit, the applicant, on behalf of (1) itself; (2) its successors and assigns, and (3) any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees (i) that the

site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards, and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (iv).

- B. The applicant shall conform to the lease agreement No. PRC 5542.9 between the applicant and the State of California acting through the State Lands Commission, which has been found by the Coastal Commission to contain functionally equivalent terms to the terms of A9i – A (iv) of subsection A of this condition.

7. Future Improvements

The subject permit is only for the development described in Coastal Development Permit 5-01-234-A2. Any future structures or improvements to the property will require a Coastal Development Permit amendment or new permit from the Coastal Commission.

### III. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares as follows:

#### A. Project Location and Description

The subject site is the San Clemente Municipal Pier located at 622 Avenida Del Mar in the City of San Clemente, Orange County (Exhibit 1). The Pier is approximately 1,300 feet in length and is a 24,000 square foot structure that includes a restaurant and bar, public restrooms, a bait and snack shop, and a marine safety tower known as Lifeguard Tower Zero. The proposed project involves necessary repairs to the Municipal Pier, including stringer repairs (196), new treated and wrapped timber piles (7), bracing replacements (55), pile cap replacement (20), deck plank replacement (4,600 square feet) and repairs to protective coating on steel piles and pile caps (48). Project plans are included as Exhibit 2.

The project is part of a long-term maintenance program to be undertaken over a multi-year period to maintain the functionality of the Pier. The initial phase was approved by the Commission through 5-01-234 on October 8, 2001. The second phase was approved by the Commission on January 10, 2003. The current proposal constitutes the third phase. The attached plans show all phases of the pier repair program. However, the applicant is only seeking approval of the work described above. As specified by Special Condition No. 1, all conditions imposed as part of the original approval, as amended, will remain in effect unless specifically altered by this amendment.

The proposed repairs will be undertaken during the off-peak season to minimize any impact to beach access. During construction, a portion of the Pier will have to be closed to the public to allow installation of the new decking. City staff anticipates that total closure will not exceed five consecutive days. The City anticipates that the Pier will be re-opened to full public use prior to the peak tourism season.

#### B. Water Quality

Section 30230 of the Coastal Act states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

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:

*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. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

#### Construction BMPs

The proposed project involves structural repairs to the San Clemente Municipal Pier. Due to the project's location in and over coastal waters, it is necessary to ensure that construction activities will be carried out in a manner that will not adversely affect water quality or marine resources. It is also necessary to evaluate the material used to treat and wrap new timber and any steel coatings, as certain substances may have an adverse impact on water quality.

Commission staff has contacted the California Department of Fish and Game (CDFG) staff to request information on the requirements for use of certain materials in the proposed project. According to the CDFG, the use of any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous materials or substance is normally prohibited on pier pilings in state waters. Creosote is included in this category. However, the currently proposed project does not include the use of creosote for treatment of the pilings. The applicant proposes to use Ammoniacal Copper Arsenate (ACA), Ammoniacal Zinc Arsenate (ACZA) or Chromated Copper Arsenate (CCA) treated piles, stringers and cross-braces for the project. Deck planks will be treated with ACZA. The piles will be wrapped with a substance called "Hellmerhyde", a polyethylene sheeting. No other pier components will be wrapped, as the piles are the only portion of the pier subject to constant submersion. The project also involves repairs to the protective coating on the existing steel piles and pile caps. This coating material will be an epoxy polyimide. The steel coating material has been previously approved for use on this pier by the Commission. The proposed treatment, wrapping and coating materials are deemed acceptable for use in pier projects by the CDFG if they are proven to be non-deleterious to marine life.

ACZA, ACA and CCA contain copper, zinc, and arsenic. These chemicals are used to preserve the wood when used in or over the water. Until recently, little research has been conducted on the release of wood preservatives from existing structures and the environmental impacts, if any, of those releases. In each of the studies, measurable amounts of preservatives were shown to be released into the environment. While the degree of environmental accumulation and biological impacts appear to be low, some release does occur.<sup>1</sup> Recognizing the potential impacts of using ACA, ACZA, and CCA treated wood products in the marine environment, a precautionary approach is warranted.

The Commission is also concerned about the use of plastic in the marine environment due to the possible deterioration of the pile wrapping and subsequent increase in marine debris. Since plastic is an inorganic material, it does not biodegrade, but rather continually breaks down into ever-smaller pieces. The presence of plastics in the coastal and ocean environment is both widespread and harmful to human and marine life.

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<sup>1</sup> *Guide for Minimizing the Effect of Preservative-treated Wood on Sensitive Environments*, Lebow and Tippie, prepared for United States Forest Service, February 2001.



In this case, the pier is not used for boating purposes. As such, there is a lower potential for degradation of the plastic wrapping to occur through collision or abrasion. Nonetheless, there is still a potential for damage as a result of marine debris.

Consequently, it is necessary for the Commission to impose a special condition similar to that imposed through CDPs No. 3-02-071 (Port SLO), 6-02-151 (NCTD), 5-99-150 (San Clemente Pier) and 5-99-382 (San Clemente Pier) requiring maintenance of the polyethylene wrapping that encases treated wood pilings. Special Condition 2 requires the City to periodically inspect all pilings installed as part of this project, and shall immediately undertake any repairs necessary to maintain the plastic wrapping (including patching any holes to ensure that the piles are completely encased) and/or the integrity of the piles. Every two years following initial pile installation, the applicant shall inspect the pier to ensure the integrity of the piles, and to ensure that all corrective actions have been or will be immediately undertaken to maintain the plastic wrapping and/or the integrity of the piles. An alternative maintenance schedule may be approved by the Executive Director if it is found to achieve the same objective.

The applicant solicited comments from the California Department of Fish and Game and the Regional Water Quality Control Board when designing the long-term pier repair program in 2001. On May 22, 2001, the applicant received correspondence from the Department of Fish and Game stating, *"The Department does not have any objection to the project, nor are there any Section 1600 (California Fish and Game Code) requirements associated with the project."* (Exhibit 3). On June 20, 2001, the applicant received correspondence from the Regional Water Quality Control Board (RWQCB), San Diego Region, which provides comments concerning the proposed project (Exhibit 4). The RWQCB offered comments regarding prevention of blasting residue from entering the ocean and daily site maintenance and operations. The comments have been incorporated into the applicant's written specifications for the long-term maintenance project and no further review by the RWQCB is required.

Nonetheless, the proposed project is located in and over coastal waters and adjacent to the beach; therefore, there is always the possibility that material from demolition or construction may end up in coastal waters. In order to prevent adverse impacts to marine waters from construction and demolition activities, the Commission is imposing Special Condition No. 3, which provides for the safe storage of construction materials and the disposal of demolition end-products.

#### Post Construction BMPs

Post-construction Best Management Practices (BMPs) must be incorporated into the proposed repairs to ensure that runoff from the Municipal Pier does not adversely affect water quality or marine resources. The City has a long-term surface maintenance program, which includes the following:

- ◆ *The pier deck and railings are inspected and cleaned five (5) days each week. Both dry and wet cleaning processes are employed. The City Council has authorized a full time, contractual position to provide spot cleaning, rail washing, pier plank nail maintenance and all related aspects of pier cleaning/maintenance.*
- ◆ *All pier trash receptacles are dumped daily from April to September, and on Monday, Wednesday, Friday, Saturday, Sunday, and holidays (holiday periods of the Capistrano Unified School District) from November through March.*

- ◆ *As per San Diego Regional Water Quality Boards Standards, the San Clemente Municipal Pier is no longer water washed. Specific spot cleaning is done with mops, and all wash water is disposed of through the pier's sewer system. Hand rail washing water is also disposed of through the sewer system. Hand sweeping is also accomplished. The leased restaurant site has also been required to cease water washing. They have proposed to purchase a recovery unit and that proposal will be by the City Water Quality management staff. The leased restaurant has a diversion device in place that routes maintenance and nuisance water into the City's sewer system during low flow season, and can redirect stormwater flow into storm drains during the rainy season.*
- ◆ *Additionally, the City has recently contracted with Dudek and Associates to provide a Pier Integrated Pest Management (IPM) study of the pier. Directly related objectives include:*
  - \* *Identification of technologies and procedures that shall reduce bird waste on the San Clemente Municipal Pier*
  - \* *Identification of IPM practices that compliment Best Management Practices for run-off free maintenance.*
  - \* *Development of a budget to implement, sustain and monitor IPM program.*
  - \* *Development of an IPM plan to comply with all federal, state and local mandates and regulations.*

To ensure conformance with proposed post-construction BMPs, the Commission imposes Special Condition No. 4. This special condition requires implementation of proposed non-structural BMPs designed to control the volume, velocity and pollutant load of stormwater and nuisance flow leaving the Municipal Pier. These source control measures will include, but are not limited to, 1) routine inspection and cleaning; 2) disposal of wash water through the sewer system; and 3) frequent trash removal. These measures shall be carried out at frequencies sufficient to effectively minimize the accumulation of pollution which could be washed into coastal waters.

Only as conditioned for conformance with proposed BMPs, including appropriate storage of equipment and materials and disposal of debris, does the Commission find the proposed project consistent with Sections 30230, 30231, and 30232 of the Coastal Act.

### **C. Public Access**

Sections 30210 and 30211 of the Coastal Act apply to public access and recreational opportunities.

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

The policies of the certified LUP are also useful in providing guidance for review of projects in the coastal zone. There are also policies in the certified LUP concerning the Pier and public access. Policy X.7 of Chapter 3 of the City's certified LUP states:

*Existing recreation and visitor-serving uses, including public parking facilities, in the Pier Bowl and North Beach areas shall be protected. ... In no case, however, shall off-site parking displace existing visitor-serving and beach recreational parking on Avenida Victoria or in the Pier Bowl area.*

The Fisherman's Restaurant and San Clemente Pier are a unique attraction to residents and visitors within southern Orange County. The Pier Bowl Municipal Parking Lot provides parking for the popular Pier Bowl beach, the San Clemente Pier, the restaurant on the pier, and the retail stores and restaurants in the Pier Bowl. The Commission notes that though there are other beaches for beachgoers to use, the demand for the use of those beaches is growing as Orange County and the neighboring counties rapidly urbanize. The demand for beach use is increasing, but the beaches are limited resources. The Coastal Act requires that development not interfere with the public's right of access to the sea by providing adequate parking to serve that development.

The proposed project involves necessary regular repair and maintenance activities at the Municipal Pier. The applicant proposes to perform the proposed work in a manner that will allow the public some access to the Pier during construction. However, temporary closure (maximum 5 days) will be necessary during deck plank replacement to ensure safety. As described previously, the project will take place primarily during the winter and early spring season when there are fewer visitors to the Pier, which will further reduce any adverse impacts to access.

The proposed project will not increase the size of the Pier or the intensity of use that would require additional parking for the facility. In addition, the proposed project will not block access to beach parking. However, the project will temporarily obstruct access to the Pier itself and to the sandy beach area beneath the Pier. In order to ensure that access to the beach is not hindered during the peak summer season, the Commission finds it necessary to impose Special Condition No. 5, which prohibits construction to occur during the peak use summer season that would obstruct public access to the piers, adjacent beaches, or public parking lots. Only as conditioned does the Commission find the proposed development is consistent with Sections 30210 and 30211 of the Coastal Act.

#### **D. Visitor Serving/Recreation**

Section 30213 of the Coastal Act states in part:

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

Policies in the certified LUP which relate to the San Clemente Municipal Pier are provided below.

Policy XI.4 of the certified LUP states:

*Protect the City's recreational resources including the recreational facilities, parks, surfing areas, and community events identified in section 207 of this plan.*

The importance of the Pier is mentioned on page 2-28 of the certified LUP, which states:

*The pier offers fishing and scenic walks, as well as a small concession and bait-and-tackle shop at the end and the Fisherman's restaurant, bar, and beach concessions stand at the base. The Pier Bowl area is also known for its special community events—such as the Fourth of July fireworks show, the Chowder Cook-Off, and the Ocean Festival. 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 California Coastal Conservancy publishes a document entitled "California's Public Piers," which provides locations and descriptions of public piers in California. Among the piers listed in this document is the San Clemente Municipal Pier. The Coastal Conservancy notes that the services which piers provide include: *views of the off-shore coast and fishing without a license*. Public piers tend to become visitor-serving attractions as in the case of the Santa Monica Pier, the Huntington Beach Pier, the Newport Beach Pier, Balboa Pier and the San Clemente Municipal Pier.

There is no admittance fee to piers. People can walk on the piers if they prefer not to walk on sand. People can spend the day sitting on the pier watching people or nature. Piers are an excellent viewing platform from which to view the beach and coastline.

In short, the San Clemente pier is a low-cost, visitor-serving facility which provides public fishing opportunities, fresh ocean air, an opportunity to walk and look out at the ocean and to get a panoramic view of the coastline. Any development on a public pier is therefore subject to scrutiny as to whether the development would affect the public's recreational interest. In this case, the proposed improvements are necessary (yet non-exempt) routine repair and maintenance of the Municipal Pier that do not adversely impact public access or recreation. The repair and maintenance activities help maintain the function of the pier for its intended use as a visitor-serving facility. The Pier will remain open and available to visitors during construction to the maximum extent practicable, as discussed in the preceding section. Therefore, the Commission finds that the proposed development is consistent with the provisions of Section 30213 of the Coastal Act.

#### **E. Hazards**

Section 30253 of the Coastal Act states, in pertinent part,

*New development shall:*

*(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

*(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding*

*area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The City is proposing structural improvements to the Municipal Pier (Exhibit 2). Due to the Pier's location over the beach and ocean, the majority of the repair and maintenance work proposed will take place on State owned lands. The applicant has obtained permission from the State Lands Commission for the development proposed. The State Lands Commission concurs that the proposed activities are in conformance with the requirements of lease agreement number PRC 5542.9. Section 4(c), in the "General Provisions" section, of the subject lease states that the City of San Clemente as leasee shall maintain the pier and property in good order and safe condition.

The proposed project is located over a sandy beach in an area that is subject to hazards from wave run-up, scour, and erosion. Lease agreement number PRC 5542.9 includes assumption-of-risk language that was approved by the Commission prior to the issuance of Coastal Development Permit No. 5-90-1120-A1. The assumption-of-risk language in the approved lease agreement includes a waiver of liability by the applicant and the landowner to indemnify the Commission for any damage to life and property which may occur as a result of the permitted development. The waiver of liability also shows that the applicant and the landowner are aware of and appreciate the nature of the hazards which exists on the site and which may adversely affect the stability and safety of the proposed development. Special Condition No. 6 reiterates the requirement that the applicant conform to all requirements of lease agreement number PRC 5542.9, which contains assumption-of-risk language acceptable to the Commission. In addition, Special Condition No. 7 states that any future improvements to the property will require a coastal development permit from the Coastal Commission. The Commission finds that the proposed project, only as conditioned, is consistent with Section 30253 of the Coastal Act.

#### **F. Marine Resources**

Section 30233(a) of the Coastal Act addresses fill of open coastal waters as follows:

*The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*

The Coastal Act limits the fill of open coastal water to specific, enumerated uses and also requires that any project which results in fill of open coastal waters provide adequate mitigation and that the project be the least environmentally damaging alternative. The proposed project includes the replacement of seven (7) wrapped timber piles with piles of the same size in the same location at the San Clemente Municipal Pier. The proposed pile replacement constitutes fill of coastal waters.

a. Allowable Use

Section 30233(a)(4) of the Coastal Act allows fill of open coastal waters for the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. The proposed project, repairs to the existing Municipal Pier, constitutes development that will provide public access and recreational opportunities. Thus, the project is an allowable use under Section 30233(a)(4).

b. Least Environmentally Damaging Alternative

The proposed project will result in the replacement of defective piles. The proposed diameter piles are the minimum size and amount necessary to withstand the loads created by tides and currents. The proposed project will use the minimum number and size of piles necessary to adequately support and secure the piers. Thus, the amount of fill needed to support the proposed allowable use is minimized. Therefore, the project, as proposed, is the least environmentally damaging alternative.

c. Adequate Mitigation

Section 30233 also requires that any project which results in fill of open coastal waters also provide adequate mitigation. Placement of the proposed piles in conjunction with the proposed project will displace bottom habitat. However, the pilings will provide new vertical habitat for marine organisms such as mussels, barnacles, limpets, littorine snails, red and brown seaweed, surfgrass, anemones, and polychaetes. Thus, adequate mitigation is provided by the proposed project in that the loss of bottom habitat is offset by the fact that the pilings themselves will provide new vertical intertidal habitat for marine organisms.

For the reasons discussed above, the Commission finds that the project, as proposed, is consistent with Section 30233 of the Coastal Act.

**G. 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).

**H. Consistency with the California Environmental Quality Act (CEQA)**

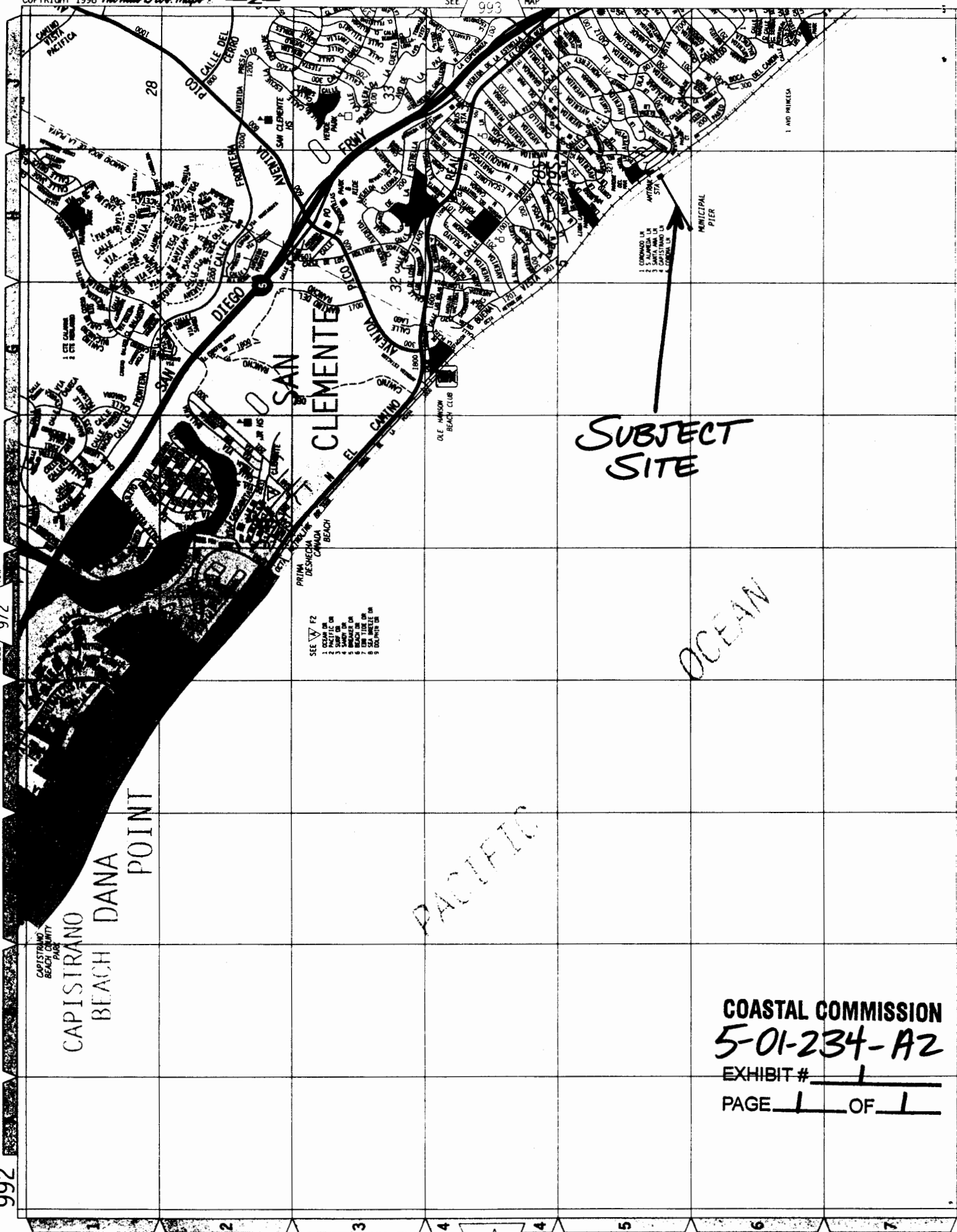
Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A)

of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the water quality, public access and hazard policies of the Coastal Act. Mitigation measures, in the form of special conditions, require 1) notification that all standard and special conditions of the original permit as previously amended remain in effect; 2) maintenance of piling wrapping; 3) identification of construction and debris removal responsibilities; 4) conformance with post-construction best management practices; 5) timing of construction outside of the peak beach use season; 6) conformance with an existing assumption-of-risk lease restriction; and 7) notification that any future improvements to the property will require a permit from the Commission.

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may 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.





PAGE 1 OF 1



# MUNICIPAL PIER SAN CLEMENTE, CALIFORNIA

The development as proposed is for the Municipal Pier in San Clemente in connection with the development and does not grant the developer any development rights. When approved by the City of San Clemente Coastal Commission, the City will then process the application for permits. Please check with other City departments and divisions to ensure full compliance with all City codes, standards and requirements.

## GENERAL NOTES

### GENERAL

- CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE 1997 UNIFORM BUILDING CODE, AND ALL LOCAL CODES AND ORDINANCES.
- THE WORK UNDER THIS CONTRACT INCLUDES THE FURNISHING OF LABOR, MATERIALS, SERVICES AND TRANSPORTATION, THAT IS REQUIRED FOR THE COMPLETION OF THE PROJECT IN ACCORDANCE WITH THE PROVISIONS OF THE CONSTRUCTION DOCUMENTS.
- ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH LOCAL STANDARDS, AND TO THE APPLICABLE PROVISIONS OF THE UNIFORM BUILDING CODE, 1997 EDITION, AND CALIFORNIA BUILDING CODE, 1998 EDITION.
- THE CONTRACT DRAWINGS AND SPECIFICATIONS REPRESENT THE FINISHED STRUCTURE. UNLESS OTHERWISE SHOWN, THEY DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL PROVIDE ALL MEASURES NECESSARY TO PROTECT THE STRUCTURE, WORKERS, RESIDENTS AND OTHER PERSONS DURING DEMOLITION AND CONSTRUCTION. THOSE MEASURES SHALL INCLUDE, BUT NOT BE LIMITED TO, BRACING, SHORING, SCAFFOLDING, PLANKING, FLAGMAN, ETC. THE CONTRACTOR, AT HIS OWN EXPENSE, SHALL ENGAGE PROPERLY QUALIFIED PERSONS TO DETERMINE WHERE AND HOW TEMPORARY PRECAUTIONARY MEASURES SHALL BE USED AND INSPECT SAME AT JOB SITE. OBSERVATION VISITS TO THE SITE BY ARCHITECT OR STRUCTURAL ENGINEER SHALL NOT INCLUDE INSPECTION OF SAFETY MEASURES OR SHORING.
- THE CONTRACTOR AND ALL HIS SUB-CONTRACTORS SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS, AND THE CONSTRUCTIBILITY OF ALL DETAILS. ANY VARIATIONS, OMISSIONS, ERRORS OR CONFLICTS IN THE CONTRACT DOCUMENTS SHALL NOT BE GROUNDS FOR FUTURE CHANGE ORDERS. IF AN ERROR OR CONFLICT IS NOTED, IT MUST BE BROUGHT TO THE ATTENTION OF THE ARCHITECT AND STRUCTURAL ENGINEER, IN WRITING, PRIOR TO SUBMISSION OF A BID. SO THAT CLARIFICATIONS AND CORRECTIONS CAN BE ISSUED TO ALL BIDDERS. ANY VARIATIONS, OMISSIONS, ERRORS OR CONFLICTS NOT RESOLVED/ CLARIFIED PRIOR TO ACCEPTANCE OF THE BID SHALL BE CONSTRUCTED PER THE DISCRETION OF THE ARCHITECT/ENGINEER.
- SUBMISSION OF A BID SHALL BE THE GENERAL CONTRACTOR'S, AND ALL HIS SUB-CONTRACTORS, ASSURANCE THAT HE CAN CONSTRUCT THE PROJECT AS INDICATED IN THE CONTRACT DOCUMENTS. CONTRACTOR SHALL SUBMIT A LIST OF ALL SUBCONTRACTORS TO BE USED DURING THE PROJECT, INCLUDING REFERENCES AND QUALIFICATIONS, WHEN SUBMITTING A BID, FOR REVIEW BY ARCHITECT/ENGINEER.
- PATCH AND REPAIR TO PRE-EXISTING CONDITION ALL EXISTING VISIBLE AND NON-VISIBLE ITEMS TO REMAIN WHICH ARE DAMAGED OR DISRUPTED DURING THE COURSE OF THE WORK. NEW WORK INDICATED TO ADJUT TO OR JOIN EXISTING WORK SHALL BE FINISHED AND/OR RE-FINISHED TOGETHER SO AS TO GIVE NO VISIBLE EVIDENCE OF THE JOINT.
- OCCUPATIONAL SAFETY AND HEALTH ACT REQUIREMENTS: MAINTAIN CONDITIONS AT THE JOB SITE SO AS TO MEET THE REQUIREMENTS OF THE CALIFORNIA CODE OF REGULATIONS, TITLE 24 FOR ACCESSIBILITY AND ENERGY REQUIREMENTS, INDUSTRIAL RELATIONS, CHAPTER 4, DIVISION OF INDUSTRIAL SAFETY, SAFETY ORDERS CAL/OSHA.
- ACCESSIBILITY REQUIREMENTS: CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE ADA ACCESSIBILITY GUIDELINES, AND THE UNIFORM BUILDING CODE, 1997 EDITION.
- SHORING AND BRACING: DESIGN AND CONSTRUCT SHORING AND BRACING NECESSARY TO COMPLETE THIS PROJECT. ALL BEARING SHORING MUST BE DESIGNED BY A CALIFORNIA LICENSED PROFESSIONAL ENGINEER. COSTS FOR BRACING AND SHORING SHALL BE BORNE BY THE CONTRACTOR.
- NOTES AND DETAILS ON THE DRAWINGS SHALL TAKE PRECEDENCE OVER NOTES AND DETAILS ON THIS SHEET DO NOT SCALE DRAWINGS.
- WHERE NO CONSTRUCTION DETAILS ARE SHOWN OR NOTED FOR ANY PART OF WORK, THE DETAILS SHALL BE THE SAME AS FOR OTHER SIMILAR WORK. REQUESTS FOR CLARIFICATION OF DRAWINGS/DETAILS SHALL BE IN WRITING PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. RESPONSE FROM ENGINEER/ARCHITECT SHALL BE GIVEN WITHIN 10 WORKING DAYS.
- ANY DEVIATION FROM THE DETAILS, PRODUCTS, MATERIALS, TECHNIQUES, OR DESIGN REQUIREMENTS SHOWN ON THESE DRAWINGS SHALL REQUIRE WRITTEN APPROVAL BY THE ARCHITECT/ STRUCTURAL ENGINEER.
- UNLESS SPECIFICALLY SHOWN ON THE DRAWINGS, NO STRUCTURAL MEMBER SHALL BE CUT, NOTCHED, BORED OR OTHERWISE WEAKENED WITHOUT THE PERMISSION OF THE STRUCTURAL ENGINEER, AND WITHOUT TAKING NECESSARY SAFETY MEASURES.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS, PRODUCTS, MATERIALS, ETC. PRIOR TO SUBMITTING A BID. MATERIAL OR PRODUCT SUBSTITUTIONS WILL BE CONSIDERED, PER THE SPECIFICATIONS, PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.

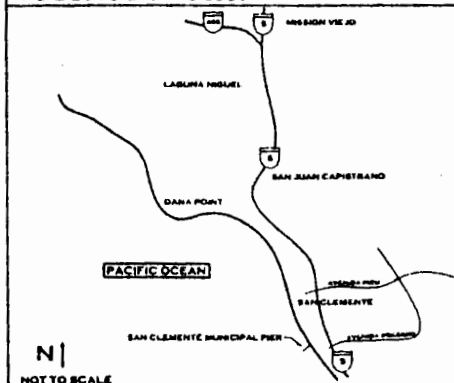
## ABBREVIATIONS AND SYMBOLS

ALUM. ARCH.	ALUMINUM ARCHITECT/ARCHITECTURAL	EA	EACH	(N)	NEW	SCHED	SCHEDULE
BLDG.	BUILDING	EQ	EQUAL	HTS	NOT IN CONTRACT	SH	SHIMMER
BLK.	BLOCK	(E)	EACH SIDE	NOH.	NOT TO SCALE	SS	STAINLESS STEEL
BLKG.	BLOCKING	FLSHG	FLASHING	O.C.	ON CENTER	STL	STEEL
BM	BEAM	GA	GAGE/GAUGE	OPNG.	OPENING	STRUC	STRUCTURAL
B/O	BOTTOM OF	GALV	GALVANIZED	OPP.	OPPOSITE	THK	THICK
		CLB	CLUE LAMINATED BEAM	PLY.	PLYWOOD	U.N.D.	UNLESS NOTED OTHERWISE
		CSM	GALVANIZED SHEET METAL	REIN.	REINFORCED	V.I.F.	VERIFY IN FIELD
CL.	CENTERLINE	JST	JOIST	(R)	REMOVE	W/	WITH
CLR.	CONTINUOUS	L.S.	LAGSCREW	REIN.	REINFORCED		
		MAX.	MAXIMUM	REIN.	REINFORCED		
		MIN.	MINIMUM	REIN.	REINFORCED		
		MISC.	MISCELLANEOUS	REQ'D	REQUIRED		
		MTL	METAL				
DEM.	DEMOLITION						
DL	DEMOLITION						
DL	DEMOLITION						

## SHEET INDEX

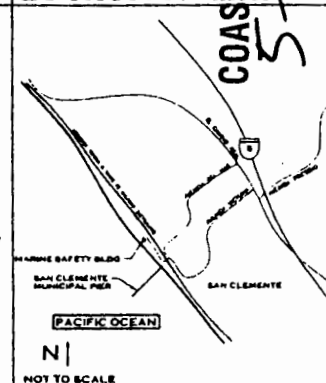
CS	COVER SHEET, NOTES
SP-1	SPECIFICATIONS
SP-2	SPECIFICATIONS
SP-3	SPECIFICATIONS
A-1	PIER PLAN - LAYOUT
A-2	NORTH ELEVATION
S-1	PIER PLAN - PILE REPAIR
S-2	NEW BRACING ELEVATION
S-3	STRUCTURAL ELEVATIONS
S-4	STRUCTURAL REPAIR ELEVATIONS
S-5	DETAILS
S-6	ZERO TOWER PLAN/ELEVATION/SECTION
F-1	NEW FIRELINE AND SPRINKLER SYSTEM

## VICINITY MAP



NOT TO SCALE

## LOCATION MAP



NOT TO SCALE

## PROJECT DIRECTORY

PROJECT ADDRESS:  
SAN CLEMENTE MUNICIPAL PIER  
SAN CLEMENTE, CALIFORNIA 92672

CITY OF SAN CLEMENTE CONTACT:  
HEATH MCMAHON, ASSOCIATE CIVIL ENGINEER  
CITY OF SAN CLEMENTE, ENGINEERING DIVISION  
910 CALLE NEGOCIO, SUITE 100  
SAN CLEMENTE, CALIFORNIA 92672  
TELEPHONE: (949) 361-6140  
FAX: (949) 361-6318

ENGINEER OF RECORD:  
TM ENGINEERS, INC.  
236 AVENIDA DEL MAR  
SAN CLEMENTE, CA 92672  
(949) 361-0618

## PROJECT DATA

LEGAL DESCRIPTION: IN THE CITY OF SAN CLEMENTE, COUNTY OF ORANGE, STATE OF CALIFORNIA, ADJACENT TO TRACT #779, BLOCK 34.

APPLICABLE CODES:  
CBC 1995  
UBC 1997  
UPC 1997  
UFC 1997  
CAC TITLE 24



PRELIMINARY  
NOT FOR CONSTRUCTION

RECEIVED

MAY 07 01

BOX SUBMITTAL  
4-20-01

NOTE:  
THIS SET OF PLANS, PREPARED BY TM ENGINEERS, INC. IS FOR THE EXCLUSIVE USE OF THE ORIGINAL CLIENT WITH WHOM WE HAVE ENTERED INTO A CONTRACTUAL AGREEMENT. THIS SET OF PLANS IS VALID UNTIL 3-1-2005.

## REVISIONS

NO.	DATE	DESCRIPTION
1	10-15-01	City Planner

MUNICIPAL PIER  
SAN CLEMENTE, CALIFORNIA

CITY PROJECT  
# 10005

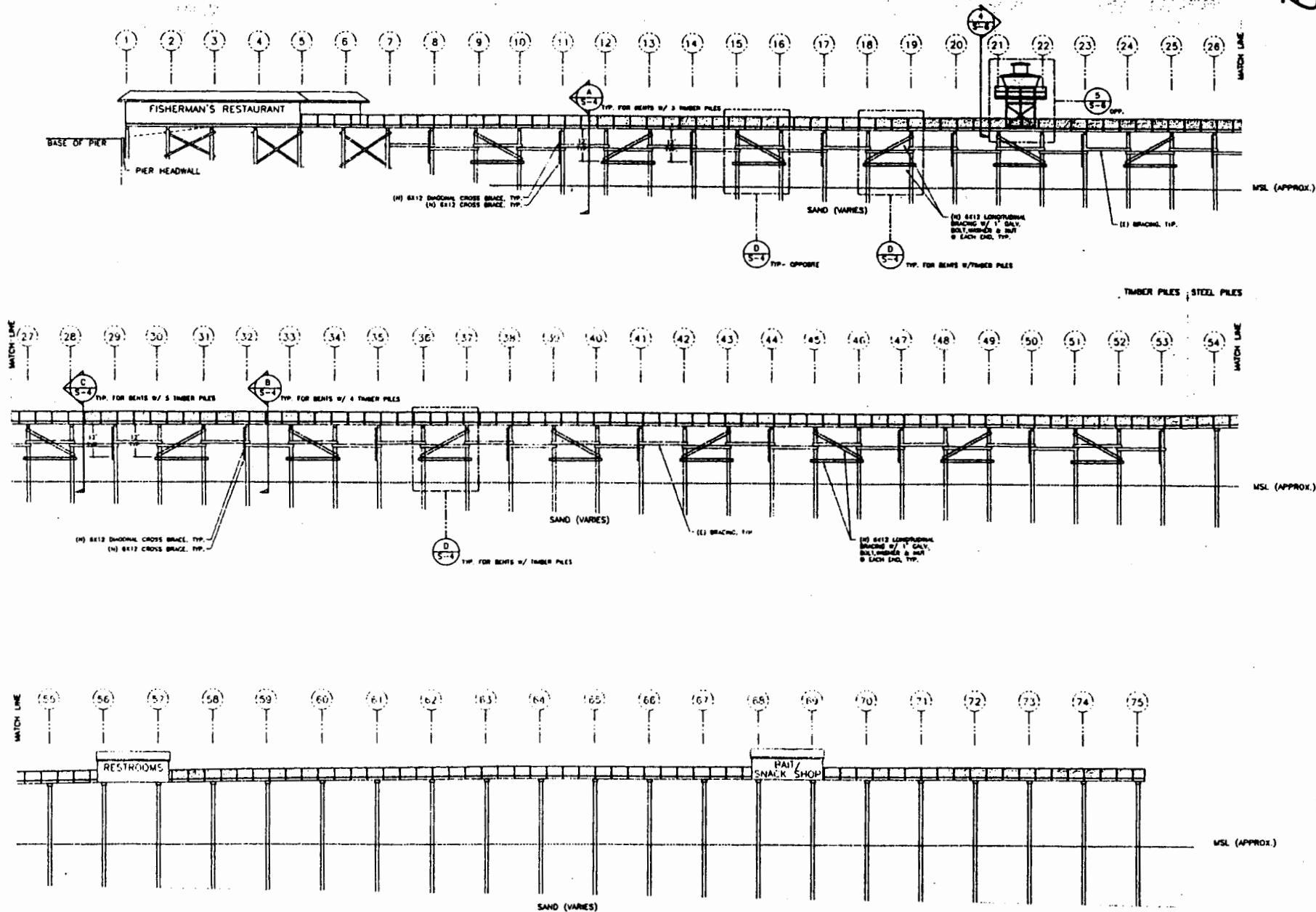
COVER SHEET  
GENERAL NOTES

10-15-01  
TM ENGINEERS, INC.  
AS SHOWN  
2001-01

CS



EX. 2  
3/5



# NEW BRACING ELEVATION

SCALE: 1/16" = 1'-0"

NOTE:  
INSTALL NEW 6x12 BRACING AS SHOWN, BOTH SIDES OF PIER, TYP.

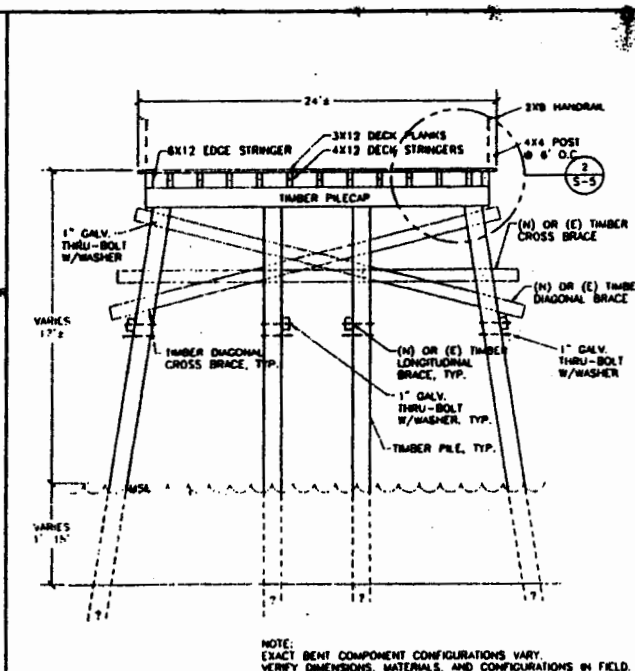
PRELIMINARY  
NOT FOR CONSTRUCTION

MUNICIPAL PIER  
SAN CLEMENTE, CALIFORNIA

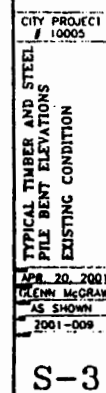
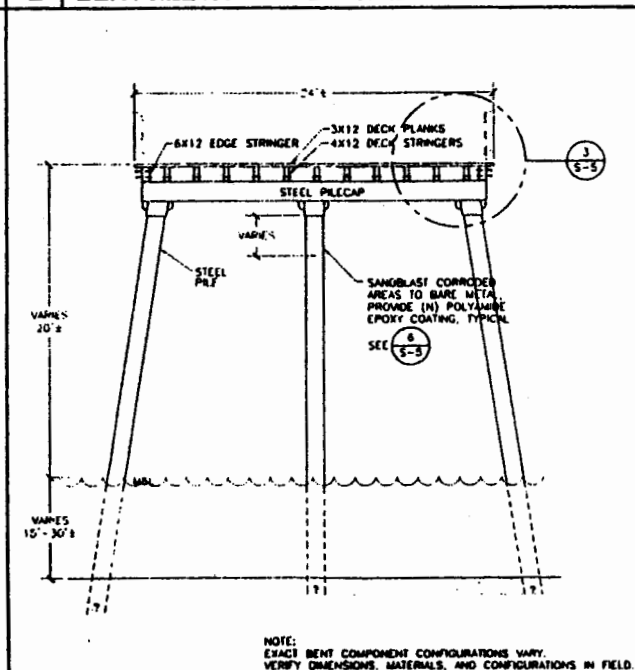
CITY PROJECT  
10000  
NORTH ELEVATION  
NEW BRACING ELEVATION  
JAN 20, 2001  
C. J. MCGRAW  
18" = 1'-0"  
2001-008

S-2

**T M Engineers, Inc.**  
226  
Carmichael Dr., Suite 101  
San Jose, CA 95128  
(408) 261-0618



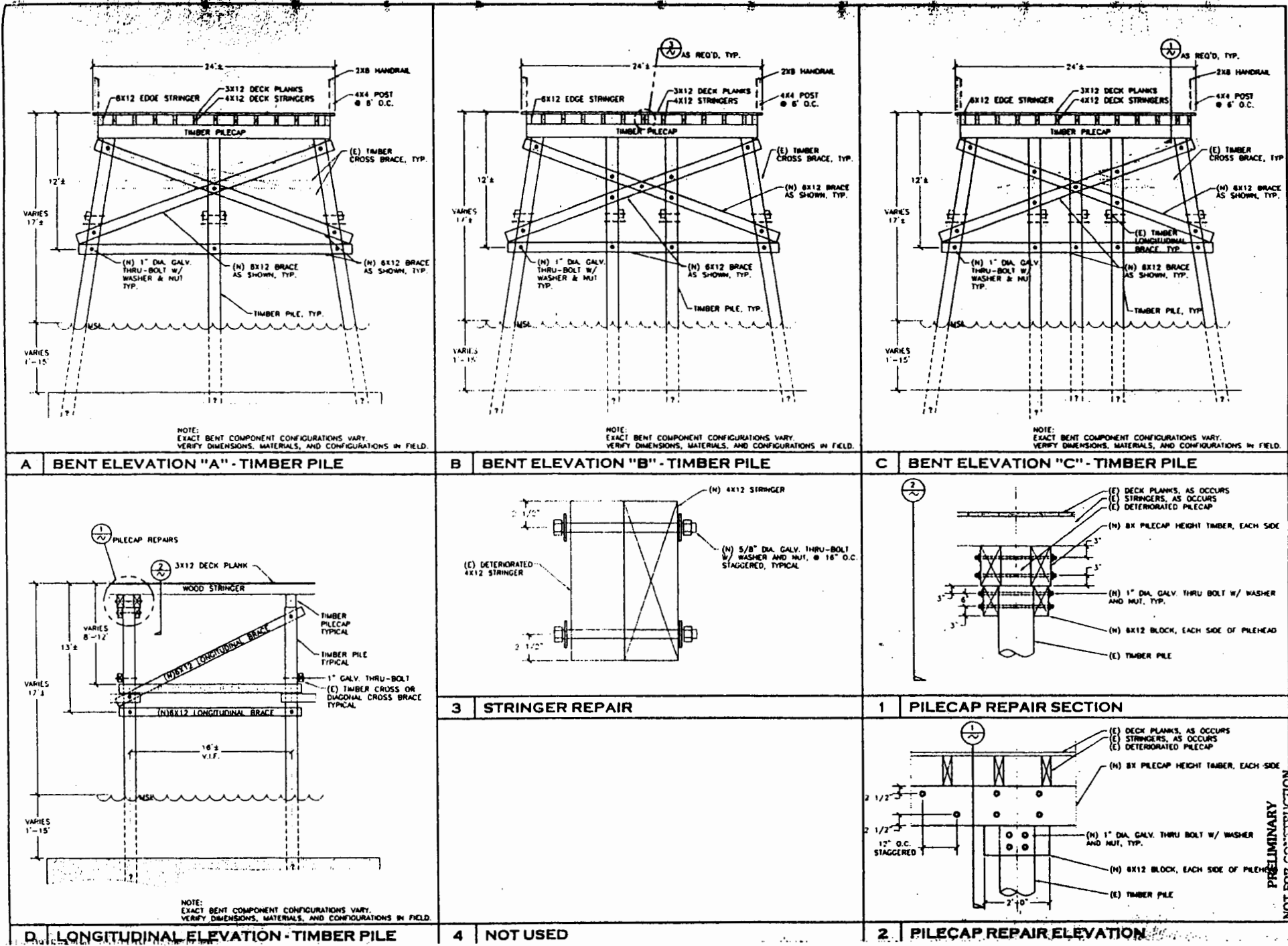
C	BENT ELEVATION "C" - TIMBER PILE
---	----------------------------------



F	LONGITUDINAL ELEVATION - STEEL PILE
---	-------------------------------------

**PRELIMINARY  
NOT FOR CONSTRUCTION**

EX. 2  
5/5



REVISION

1. M. C. CLEMENTE, CIVIL ENGINEER, S.E. 82572

**MUNICIPAL PIER  
SAN CLEMENTE, CALIFORNIA**

CITY PROJECT  
10005

TYPICAL TIMBER AND STEEL  
PILE BENT ELEVATIONS  
NEW BRACING  
PILECAP REPAIR

APR 20 20  
CLINN MOON  
AS SHOWN  
2001-009

PRELIMINARY  
NOT FOR CONSTRUCTION

S-4

## DEPARTMENT OF FISH AND GAME

Marine Region

1949 Viewridge Avenue

San Diego, CA 92123

(858) 467-4231

Mr. Heath McMahon

City of San Clemente

910 Calle Negocio

San Clemente, CA 92673

RECEIVED  
SEP 24 2001CALIFORNIA  
COASTAL COMMISSION

May 18, 2001

Dear Mr. McMahon:

I have reviewed the plans for repairs to the San Clemente Municipal Pier submitted by Glenn McGraw, of TM Engineers. The Department does not have any objection to the proposed project, nor are there any Section 1600 (California Fish and Game Code) requirements associated with this project.

If there are any additional concerns please feel free to call me at the above number.

Sincerely,

Marilyn J. Fluharty  
Environmental Specialist  
Marine Region

cc:

Mr. Glenn McGraw  
TM Engineers  
San Clemente, CA

COASTAL COMMISSION

5-01-234-A2

EXHIBIT # 3PAGE 1 OF 1

RECEIVED

MAY 22 '01

# California Regional Water Quality Control Board

## San Diego Region

Winston H. Hlickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb9/>  
9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324  
Phone (858) 467-2952 • FAX (858) 571-6972



June 20, 2001

Mr. Glenn McGraw  
TM Engineers, Inc  
4660 La Jolla Village Drive, Suite 500  
San Diego, CA 92122

RECEIVED  
SEP 24 2001  
CALIFORNIA  
COASTAL COMMISSION

Dear Mr. McGraw:

### SUBJECT: San Clemente Pier Repair Project

We have reviewed the preliminary plans for the repairs to the San Clemente Municipal Pier. Overall the Regional Board finds the plans to be adequate. However, we offer the following comments concerning the project:

#### Steel Pile Repair – Repairs to existing coating

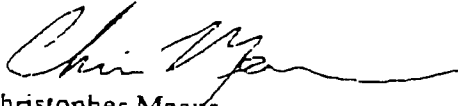
- Due to the fact that abrasive blasting will be used to prepare the surface of the pilings for repair, we strongly suggest that pollution control measures (i.e. plastic tarp enclosures) should be implemented to prevent residue from the blasting from coming in contact with the ocean. If tarps are used, blasting should be closely monitored on windy days.

#### Daily Site Maintenance and Operations

- Trash, debris, paint chips, cuttings etc., should be immediately removed after any repair activity, to prevent them being blown or washed into the ocean.
- The storing and mixing of chemicals, paints and coatings, and equipment cleaning operations should be carried out on land whenever possible.
- Keep all materials securely locked up, to avoid vandalism and accidental spills into the ocean.

If you have any questions regarding this matter please call me at (858) 637-5581.

Respectfully,

  
Christopher Means  
Environmental Specialist I  
San Diego Regional Water Quality Control Board

California Environmental Protection Agency

Recycled Paper

COASTAL COMMISSION  
5-01-234-A2  
EXHIBIT # 4  
PAGE 1 OF 1

