

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: May 24, 2004
49th Day: July 12, 2004
180th Day: November 27, 2004
Staff: ALB-LB *ALB*
Staff Report: June 24, 2004
Hearing Date: July 14-16, 2004
Commission Action:

Th 4a**STAFF REPORT: CONSENT CALENDAR****APPLICATION NUMBER:** 5-04-074**RECORD PACKET COPY****APPLICANT:** City of San Clemente**AGENT:** Ben Parker, Associate Civil Engineer**PROJECT LOCATION:** 2250-2300 S. Ola Vista, San Clemente, County of Orange

PROJECT DESCRIPTION: Replacement of an existing 18" diameter corrugated metal storm drain pipe with a new High Density Polyethylene pipe of same size and capacity along a coastal canyon slope, and replacement of existing broken concrete and bricks with rip-rap at the pipe outlet for energy dissipation.

LOCAL APPROVALS RECEIVED: San Clemente Planning Division Approval-in-Concept dated February 18, 2004

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing to replace an existing storm drain pipe and outlet material along a coastal canyon slope in a residential neighborhood of San Clemente. The major issues raised by the proposed development are water quality and potential habitat impacts.

Staff recommends the Commission **APPROVE** the proposed project subject to two (2) special conditions. Special Condition No. 1 requires compliance with construction best management practices and Special Condition No. 2 requires replanting of the slope with native vegetation for habitat enhancement and erosion control purposes.

At the time of this staff report, the applicant is in agreement with the staff recommendation and special conditions.

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

LIST OF EXHIBITS:

1. Location Map
2. Assessor's Parcel Map
3. Project Plans

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. 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 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

1. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may enter the storm drain system leading to the Pacific Ocean;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters, installation of silt fencing, and a pre-construction meeting to review procedural and BMP guidelines;
- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed of outside the coastal zone, as proposed by the applicant.

2. Submittal of Revegetation Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a plan for revegetation to prevent erosion and enhance the habitat value of the canyon. The plan shall be prepared by a licensed landscape architect or qualified professional.

- 1. The plan shall demonstrate that
 - (a) all vegetation planted in the areas disturbed by construction activities will consist of native, drought-tolerant plants common to coastal Orange County;
 - (b) all planting will be completed within 60 days after completion of construction;
 - (c) all required plantings will be maintained in good growing condition through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (d) all non-native plants shall be removed from the construction area within the canyon; and
 - (e) existing vegetation on private property may be retained.
- 2. The plan shall include, at a minimum, the following components:

- (a) a map showing the type, size, and location of all plant materials that will be on the developed site, topography of the developed site, and all other landscape features, and
- (b) a schedule for installation of plants.

- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is located between 2250-2300 S. Ola Vista and Riviera Canyon, within a residential neighborhood in the City of San Clemente, Orange County (Exhibits 1 & 2). The site is designated RL (Residential Low Density) in the San Clemente certified LUP. The applicant is proposing to replace an existing 18" diameter corrugated metal storm drain pipe with a new 18" High Density Polyethylene pipe of the same size and capacity along a coastal canyon slope (Exhibits 3 & 4). The project also involves the replacement of existing broken concrete and bricks located at the pipe outlet point for energy dissipation with a new non-grouted 8' x 18' stone rip-rap area. The proposed rip-rap energy dissipation area will occupy a smaller footprint than the existing rubble that is currently used for energy dissipation. The replacement pipe will extend downstream along the common 2250/2300 S. Ola Vista property line approximately 143 feet to the outfall at the bottom of the canyon. The upstream end will connect to the existing storm drain in the street. A portion of the existing deficient storm drain pipe cannot be removed for the new installation because it is believed to extend beneath the residence at 2300 S. Ola Vista. That portion of the pipe will be filled with cement slurry and abandoned in place. The proposed project does not qualify for an exemption from permit requirements for repair and maintenance activities due to its location within a coastal canyon.

The project requires approximately 316 cubic yards of grading (158 cy cut and 158 cy fill) for trenching activities and rip-rap placement. During construction, the applicant will be required to implement best management practices (BMPs) designed to minimize erosion and prevent debris from entering the storm drain system leading to the ocean.

After construction, the applicant will be required to restore the site and revegetate any disturbed areas. Riviera Canyon currently contains a majority of non-native plant species. San Clemente's certified LUP advocates the preservation of native vegetation and discourages the introduction of non-native vegetation in coastal canyons. While no rare or endangered species have been reported to exist within the subject area, the City has designated all coastal canyons, including Riviera Canyon, as environmentally sensitive habitat areas (ESHA) in the certified LUP. The coastal canyons act as open space and potential wildlife habitat, as well as corridors for native fauna. Decreases in the amount of native vegetation due to displacement by non-native vegetation have resulted in cumulative adverse impacts upon the habitat value of the canyons. As such, the quality of canyon habitat must be assessed on a site-by-site basis.

The canyon adjacent to the subject site is considered somewhat degraded due to the presence of both native and non-native plant species. No portion of the area affected by the proposed development contains resources that rise to the level of ESHA. Nonetheless, as stated in the "Construction Notes, *"all areas disturbed by construction activities will be restored with "erosion control and native plants."* The note applies to the entire site and no specific area is identified on the plan. To improve the habitat value of the canyon and to prevent potential erosion, the applicant will be required to submit a final revegetation plan demonstrating that only native species common to coastal Orange County will be used in their restoration efforts. Existing non-native plants located within the back yards of the residences at 2250 and 2300 S. Ola Vista that are not disturbed by the proposed development may be retained.

The project site is located approximately ¼ mile from the beach. Public access to the beach is available at the Riviera access point to the southwest. The subject site is located in a residential neighborhood and does not serve as a primary access route to the beach. Therefore, the project will not adversely affect the public's ability to access the coast.

B. WATER QUALITY

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices following construction. As conditioned, the Commission finds that the development conforms to Sections 30230 and 30231 of the Coastal Act.

C. HABITAT, RECREATION AND PARK IMPACTS

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms to Section 30240(b) of the Coastal Act.

D. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to use the coast and nearby recreational facilities. Therefore, as proposed, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. LOCAL COASTAL PROGRAM

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. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

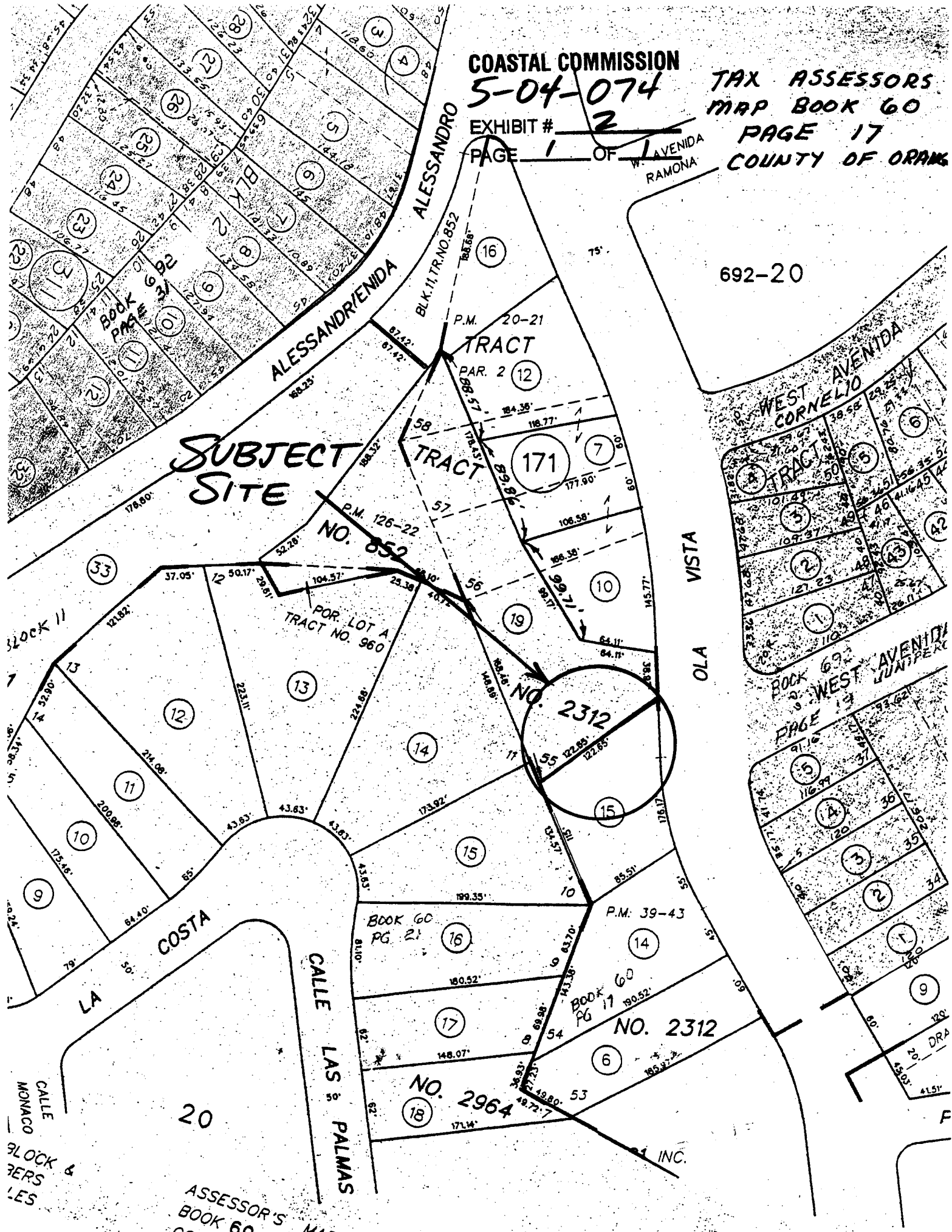
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5-04-074

EXHIBIT # 2

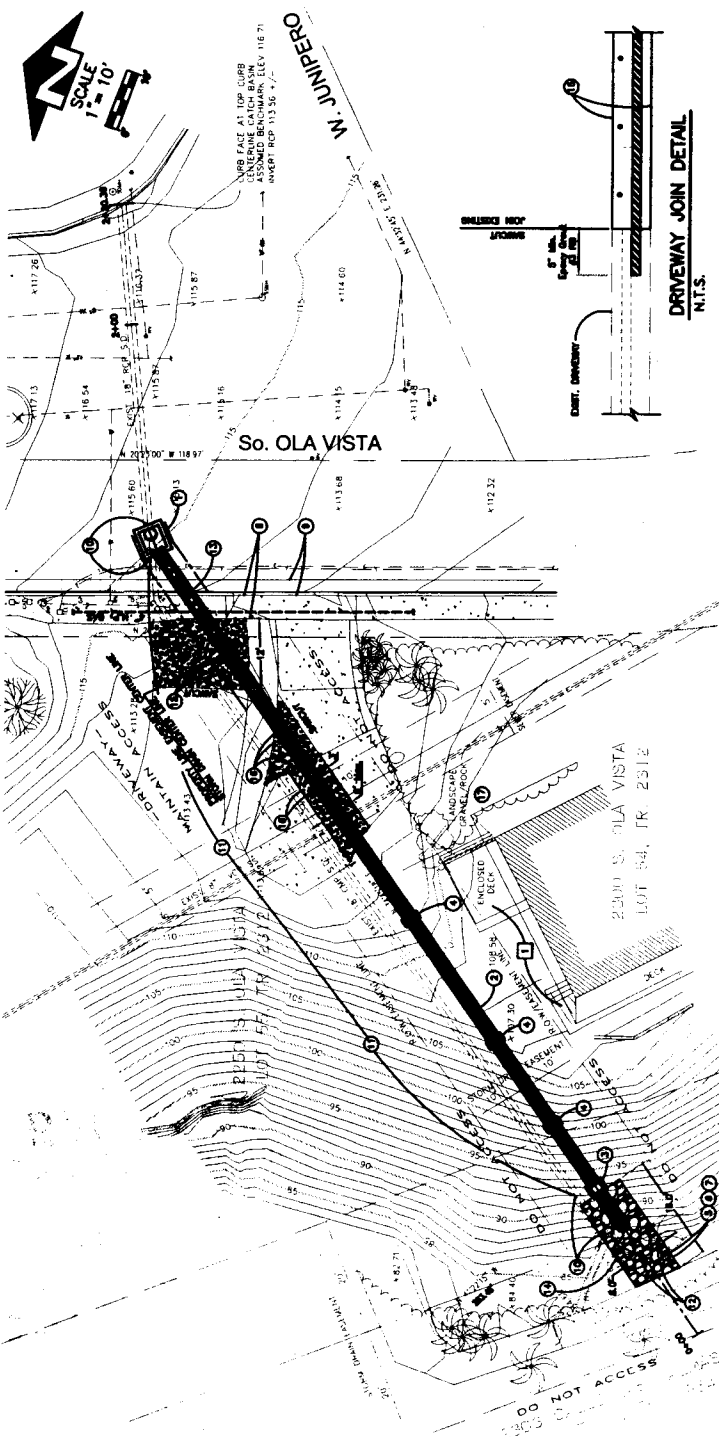
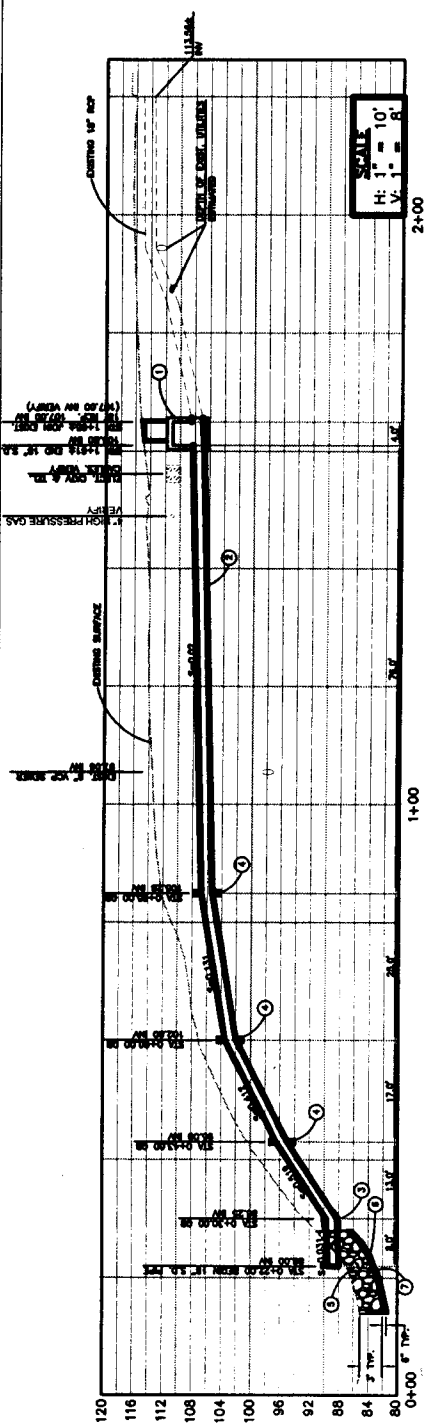
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TAX ASSESSORS
MAP BOOK 60
PAGE 17
COUNTY OF ORANGE



CONSTRUCTION NOTES

1. CONSTRUCT AS TYPE I PER P.F.A.D. STD. PLAN 1310
2. CONSTRUCT TYPE II PER P.F.A.D. STD. PLAN 1310
3. CONSTRUCT TYPE III PER P.F.A.D. STD. PLAN 1310
4. CONSTRUCT TYPE IV PER P.F.A.D. STD. PLAN 1310
5. CONSTRUCT TYPE V PER P.F.A.D. STD. PLAN 1310
6. CONSTRUCT TYPE VI PER P.F.A.D. STD. PLAN 1310
7. CONSTRUCT TYPE VII PER P.F.A.D. STD. PLAN 1310
8. CONSTRUCT TYPE VIII PER P.F.A.D. STD. PLAN 1310
9. CONSTRUCT TYPE IX PER P.F.A.D. STD. PLAN 1310
10. CONSTRUCT TYPE X PER P.F.A.D. STD. PLAN 1310
11. CONSTRUCT TYPE XI PER P.F.A.D. STD. PLAN 1310
12. CONSTRUCT TYPE XII PER P.F.A.D. STD. PLAN 1310
13. CONSTRUCT TYPE XIII PER P.F.A.D. STD. PLAN 1310
14. CONSTRUCT TYPE XIV PER P.F.A.D. STD. PLAN 1310
15. CONSTRUCT TYPE XV PER P.F.A.D. STD. PLAN 1310
16. CONSTRUCT TYPE XVI PER P.F.A.D. STD. PLAN 1310
17. CONSTRUCT TYPE XVII PER P.F.A.D. STD. PLAN 1310
18. CONSTRUCT TYPE XVIII PER P.F.A.D. STD. PLAN 1310
19. CONSTRUCT TYPE XIX PER P.F.A.D. STD. PLAN 1310
20. CONSTRUCT TYPE XX PER P.F.A.D. STD. PLAN 1310
21. CONSTRUCT TYPE XXI PER P.F.A.D. STD. PLAN 1310
22. CONSTRUCT TYPE XXII PER P.F.A.D. STD. PLAN 1310
23. CONSTRUCT TYPE XXIII PER P.F.A.D. STD. PLAN 1310
24. CONSTRUCT TYPE XXIV PER P.F.A.D. STD. PLAN 1310
25. CONSTRUCT TYPE XXV PER P.F.A.D. STD. PLAN 1310
26. CONSTRUCT TYPE XXVI PER P.F.A.D. STD. PLAN 1310
27. CONSTRUCT TYPE XXVII PER P.F.A.D. STD. PLAN 1310
28. CONSTRUCT TYPE XXVIII PER P.F.A.D. STD. PLAN 1310
29. CONSTRUCT TYPE XXIX PER P.F.A.D. STD. PLAN 1310
30. CONSTRUCT TYPE XXX PER P.F.A.D. STD. PLAN 1310



DRIVEWAY JOIN DETAIL
 N.T.S.



2300/2250 So. OLA VISTA
 STORM DRAIN REPLACEMENT
 PROJECT No. 12803

CITY OF SAN CLEMENTE

DATE: 11/11/11

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